

**THE REACTION OF DOORKOP RESIDENTS TOWARDS LAND
RESTITUTION PROCEDURES AS PART OF DEVELOPMENT
PROCESSES IN NORTH WEST PROVINCE : THE CASE OF
DOORKOP FARM IN VENTERSDORP**

BY

MAIKETSO KAGISHO ALFRED

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SUPERVISOR : DR S.A. BOTCHWAY

STUDENT NO.16684109

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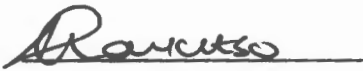


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DECLARATION

I, Maiketso K.A, hereby declare that this mini dissertation for the degree of MA (LR&RD) in the Faculty of Human and Social Sciences, North West University, Mafikeng Campus, hereby submitted, has not been previously submitted by me or any other person at this or any other university for degree purposes. It is my own work in design and execution and all materials contained herein has been dully acknowledged.



K.A Maiketso

01-July-2014

Date

ABSTRACT

This study was focused on the reaction of Doornkop Residents towards Restitution procedures in the North West Province with respect to Doornkop farm. The aim of the study was to investigate the reaction of Doornkop Residents towards the process of their land claim for the restitution of Doornkop farm.

Both qualitative and quantitative methods were used to collect information for this study. A random sample of 63 members of the community was selected to participate in the study.

Quantitative information was found in archival documents and interviews. Other qualitative information was collected through the administration of an open ended questionnaires and focus group interviews.

The main finding of this study was that the Doornkop residents were not involved and did not understand the restitution process as a result they were impatient with the lengthy procedures. They occupied the farm under claim without authorization. Since then they have not yet received post settlement grant to develop agricultural projects on the farm.

The study recommended that Doornkop community should receive settlement grant that could assist them to build houses and improve their livelihood on the farm.

Land claimants should be advised to wait patiently till the end of the claim process for them to receive title deeds.

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LIST OF ACRONYMS AND ABBRIVIATIONS

ANC	:	African National Congress
CASP	:	Comprehensive Agricultural Support Programme
CPA	:	Communal Property Association
CRLR	:	Commission on Restitution of Land Rights
DLA	:	Department of Land Reform
DRDLR	:	Department of Rural Development and Land Reform
ESTA	:	Extension of Security and Tenure Act
IDP	:	Integrated Development Plan
LAA	:	Land Appointment Act
LRAD	:	Land Redistribution for Agricultural Development
LARP	:	Land and Agrarian Reform Project
IMF	:	International Monetary Funds
MBLR	:	Market Based Land Reform
RDP	:	Reconstitution and Development Plan
RDLR	:	Rural Development and Land Reform
RLCC	:	Regional Land Claims Commission
SLAG	:	Settlement of Land Acquisition Grant
TNAD	:	Transvaal Native Affairs Department
WSWB	:	Willing Seller Willing Buyer

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CHAPTER 1

INTRODUCTION TO THE STUDY

1.1 INTRODUCTION

Throughout the developing world providing livelihoods to people dispossessed of their assets has become a major concern to governments particularly those advocating equality, welfare and poverty reduction. Available evidence shows that land reform and programs of restitution have been the most favoured policy strategy everywhere. That is the focus of this study. The study is divided into five chapters and chapter one (which is currently under discussion) focuses on the background, statement of the problem, objectives and significance of the study. It also provides the research design and the methodology followed.

1.1.1 Background of the study

Globally land reform and restitution have been successfully undertaken in countries and regions such as China, Latin America and Thailand with the sole purpose of poverty reduction (West 2000:95), increased productivity and growth. According to the World Bank report on Latin America (Lahiff 2005:1), land reform was practiced because of the hacienda system of land ownership and distribution, where tenants had small house-plots for subsistence farming but worked the majority of their time on the landlord's farm. However, according to Deininger (1999:5), there have been some failures and problems identified in land reform. The problems include lack of entrepreneurship of land reform beneficiaries, many large estate holders evicting their tenants, changes in the pattern of production and finally the new owners having difficulties in finding markets for their products.

In Africa, land reform has taken place in countries such as Kenya (in 1954) and Zimbabwe through the Lancaster House Agreement of 1979. These countries undertook land reform programs to assist destitute citizens and to bring about poverty alleviation in conformity with the United Nations Millennium Development Goals (MDG). Kenya's Swynnerton plan (1954) aimed to create a class of black commercial farmers and a growing class of yeoman farmers

established on economic units. This was to be done through a process of consolidation and registration of land as freehold property, prohibitions on further subdivision of land, the selective loosening of restrictions on African cultivation of high value commodities, and the selective provision of credit and extension facilities.

In Zimbabwe land reform was done through the Morris Carter Land Commission in 1982. Its main brief was to examine ways in which the growing land problems could be resolved. The Commission recommended the Land Apportionment Act (LAA) of 1983, which codified the racial division of land. The LAA was designed primarily to appease the anxieties of white settlers. Its main aim was to safeguard the settler agricultural system. There was resistance to this which led to the emergence of a new generation of African nationalists and nationalism against the colonial regime. Land reform was not successful until land invasion took place around the 1990's (Hall 2000:69).

According to Ntsebeza (2000:69), in South Africa there has been a skewed ownership of land caused by racial laws. These laws removed blacks from their lands which were then occupied by white farmers. Blacks were moved to reserved areas, and were not allowed to own land. Whites owned 87% of agricultural land and blacks owned 13% of the land and were overcrowded in the reserves. After 1994 the new government came into power and brought land reform programmes to redress skewed land ownership and re distribute land equally among its people. South African Land reform is implemented under three programs which are redistribution, land tenure reform and land restitution; these will be discussed in chapter 2.

In provinces like North West, there are communities who were forcefully removed from their lands by racial laws. An example is Doornkop community in Ventersdorp on which this study is based. The government has established Regional Land Claims Commissions in Provinces so that communities who were forcibly removed from their land could lodge claims for those lands. The Doornkop community has also lodged a claim for their lost land. According to Provincial Annual Report 2007/08, since 1998 the office of the Regional Land Claims Commission for Gauteng and North West has settled about 13158 land claims comprising financial compensation and restoration of land for agricultural and housing development. Furthermore, the Provincial Annual Report of 2007/8 indicated that 625 households of Barolong Boo Modiboa boo Matlwang near Potchefstroom were settled on 16 956 hectares of restored land in North West province (Gwanya, 2005). Part of the restored land was utilized for development as a National Park in

collaboration with the Parks Board and 2929 ha was utilized for agricultural purposes. The total restitution award from the state for this claim amounted to R34, 39 million. The report shows that restituted communities have used their land to improve their living conditions. In Doornkop, a land claim was lodged to restore land to the community for residential and for farming purposes in order to improve their livelihood.

1.1.2 Study Area

Doornkop where this study was undertaken is situated in the Ventersdorp area of North West Province. It is about 40km away from Ventersdorp along the Swartruggens Road. Doornkop has adequate rainfall in summer which is suitable for cultivation of crops and animal husbandry. This good vegetation could also support agricultural activities like a piggery, poultry farming and citrus farming activities. These activities could improve the economic conditions of the community and therefore alleviate their poverty. Winters are generally dry with little rainfall. The soil is loamy and therefore allows cultivation of crops and plants. Most residents are unemployed and are poor; their source of income is from social grants.

1.2 STATEMENT OF THE PROBLEM

In South Africa before 1994, discriminatory Acts such as Group the Areas Act, classified people according to race and the Bantu Authorities Act identified arable land where blacks were living as “black spots.” Blacks were removed from the black spots and their lands occupied by white farmers (De Beers 2001: 46). Doornkop farm was identified as a black spot, and the people were removed and resettled in Ramatlabama and Tsetse villages of the North West Province (De Beers 2001:58). After 1994 a restitution process was followed to give back the so called “black spot” to its owners. The Doornkop residents, then living in Tsetse, lodged a land claim with North West Regional Land Claims Commission (RLCC) for the land from which they had been forcefully evicted, by the racially discriminatory laws (Gwanya, 2005). According to the Land Claims Commission, about 40 households lodged the claim for Doornkop farm on the 12th of December 1998. The Doornkop residents illegally occupied the farm before the end of the restitution process and before they were even given title deed to the land. This led to the delay in post- settlement support for them. Why the residents reacted in this way and their current socio economic conditions as a result are what the researcher wanted to find out.

1.2.1 Research questions

From the statement of the problem these questions arose:

1. Why did the Doornkop residents react to the process of land restitution?
2. What had been the views of Doornkop residents concerning the land restitution process in their area?
3. Has Land Restitution improved the economic development of the Doornkop Residents?
4. How could the process of Land Restitution be improved?
5. Were Doornkop residents involved in the restitution process?
6. Were the processes and guidelines fully explained to them?
7. Did the residents comprehend the process as explained?

1.2.2 The main objective of the study

The main objective of the study was to investigate what prompted the reaction of Doornkop residents towards the process of land Restitution.

1.2.2.1 Sub- Objectives

Sub objectives of the study are as follows:

1. To outline and find out if restitution process followed for the claim of Doornkop farm was fair And participatory.
2. To assess the effects of restitution on the socio economic conditions of the Doornkop people.
3. Whether the Doornkop community understood the restitution guidelines and processes.
4. To find out and analyse the views of Doornkop residents about the restitution process.

1.2.3 Significance of the study

The findings in this research may provide more information needed by land reform policy makers, Department of Land Affairs, academics, land reform students and researchers, to improve the restitution process. The findings will help improve livelihoods of the communities who received their lands back. The Bakwena Ba Molopyane citizens, who were victims of forced

removals, will also benefit as this study would have documented and brought to bear part of their history of deprivation.

1.3 RESEARCH METHODOLOGY

This section outlines the research methodology used. In this study both quantitative and qualitative methodologies were used to collect data. This is because according to Creswell (2007:6), mixed research methodologies which were the combination of quantitative and qualitative research methods is the best method to achieve the objectives in a research such as this. The researcher interviewed a number of residents in the gathering of in-depth information using qualitative procedures. The researcher also gathered quantitative information and analysed it statistically using tables. Quantitative information was found in documents such as census data and the analysis consisted of the use of graphs and tables. The qualitative data were collected through an open- ended questionnaire and focus group interviews.

Qualitative research is one in which the researcher observes, discovers, describes, compares and analyses the characteristic attributes of a theme and the underlying dimension of a particular unit of analysis. According to Babbie (2007:285) qualitative research enables the researcher to observe social life in its natural setting, go where the action is, watch and collect a broad spectrum of information from respondents. As such this researcher in adopting the qualitative methodology physically went to the people concerned and observed the behaviour of the respondents and obtained vital information from them.

The quantitative method also focuses on measurable aspects of human behaviour. The researcher quantifies data and generalizes results from a sample of the population of interest and measures various views and opinions in a chosen sample. Furthermore, the researcher is also concerned primarily with figures and numbers that are to be used to quantify information (Mouton, 2008:646). Since statistical information was needed this methodology was followed.

1.3.1 Data Collection Procedure

1.3.1.1 Sample and sampling procedures

Before gathering data the population was randomly sampled. The population in the research area was made up of about 50 households consisting of about 300 people. Out of the 300 people a sample of 75 was initially selected to participate in the study by means of simple random sampling. However due to non-responses to the questionnaires by the selected interviewees, 63 became the new sample size that provided the data used for this study.

1.3.1.2 Constituents of the sample

The questionnaires were administered to the following:

- | | |
|---------------------------------------|------|
| 1. Official of Land Claims Commission | (1) |
| 2. Local residents | (61) |
| 3. Local ward councillor | (1) |

1.3.1.3 Interviews and observation

Data was collected through interviews and observation in August 2012 around 15H00. Local residents were interviewed at the farm. Interviews were used because most residents who were selected to participate in the study were not able to read and write properly, their level of education is low and they are from poor a background therefore they cannot easily access information and present it in writing.

1.3.1.4 Personal observation

The researcher visited the farm to observe and find out personally, the information that links the residents with the farm they were claiming. In the area the researcher found features like graves, abandoned dilapidated mud buildings and pieces of old farming equipment as evidence that people once lived in the area confirming information obtained during the formal discussions with the respondents. The residents identified all these as theirs.

The interview with the ward councillor also took place at the farm, and interviews with the Restitution Officer at the Regional Land Claims office in Mafikeng.

1.3.1.5 Data collection tools and administration

Semi-structured questionnaires were used to collect data in this study. Questionnaires were self-administered. Respondents were given questionnaires to fill the information on and the researcher read to those who cannot read and write, and their responses were written down on the questionnaire. Out of the 75 questionnaires distributed to residents, 63 were returned by respondents; giving a response rate of 80%. The 63 respondents were made up of 22 males and 41 females.

The questionnaire used in this study consisted of three sections; Section A dealt with biographical data of respondents, section B the attitude of the respondents and section C dealt with group discussions.

1.3.1.5 Validation of data

After the collection of data comparison was made between data collected and research questions, literature review, and questionnaire.

Data collected satisfied the requirements of the research questions, and harmonized with literature review. The data collected and verified through this instrument were formed to be reliable. The validity of the data collected was ascertained (verified) by means of triangulation.

1.3.1.6 Procedures of presenting and analyzing data collected

Presenting and analyzing data collected was done using tables as found in chapter 4. The use of tables is a quantitative approach because it deals with numbers. The use of interviews and group discussions are regarded as a qualitative approach because it focuses on personal observation. Data collected were grouped in three categories. Category one which is indicated as Section A deals with Biographic data, category two which is indicated as Section B is about attitude of respondents towards restitution and category three which is indicated as Section C, deals with

perceptions of the focus group. The qualitative data was analysed by means of discussions, while the quantitative data was analysed by means of tables.

1.4 FINDINGS AND RECOMMENDATIONS

Findings, conclusions and recommendations arising from the analysis were made, which are found in chapter 5.

1.5 ETHICAL CONSIDERATION

Letters for permission to conduct research were given to respondents to reassure them that information they provided would be confidential. Since they were assured that no harm would be caused by their responses, they co-operated with the researcher. They provided verifiable responses.

1.6 SCOPE OF THE STUDY

Chapter 1

This chapter provides an introduction to the study, which includes background of the study, statement of the problem, rationale and objectives of the study. Research methodology of this study is also found in this chapter.

Chapter 2

The chapter reviews the Literature on land reform, historical context of South African Land Reform, international approaches to land reform programmes, South African Land Reform Programmes, achievements, failures and challenges of land reform in South Africa.

Chapter 3

This chapter consists of the historical Perspective of Doornkop Residents that includes the origin and settlement of Bakwena Ba Molopyane, the removal of Bakwena Ba Molopyane from the Doornkop farm and the pre and post settlement of them in their farm.

Chapter 4

The main objective of this chapter is to analyse and report on data collected on land reform in Doornkop. Responses were categorized into sections; section A: Biographic data of respondents; section B: attitude of respondents and section C: group interviews.

Chapter 5

This chapter focuses on the empirical findings, recommendation and conclusions.

1.7 SUMMARY

In this chapter the background to the study was given. Statement of the problem, aim and objectives of the study, significance, and research methodology were all provided. These serve as introduction to the whole study.

CHAPTER 2

LITERATURE REVIEW ON LAND REFORM

2.1 INTRODUCTION

This chapter reviews the literature on Land Reform. It starts by tracing the history of land dispossession in South Africa, land reform in South Africa and the implementation of restitution in the North West Province. The chapter covers land restoration processes, its benefit to individuals and views on what can be done to improve the land reform and restitution processes.

2.2 THE HISTORICAL CONTEXT OF SOUTH AFRICAN LAND REFORM

South Africa's land policy did not emerge out of a vacuum, but is rooted in a political and historical context. The land question in South Africa is a legacy of the racial past. The conflicts over land began with the arrival of European settlers' in 1652. The centuries following this arrival were characterized by conflicts, battles, and wars over land between the new arrivals and indigenous people as well as between traditional inhabitants themselves (De Villiers 2003:46). The establishment of a European legal system in the Union of South Africa in 1910 further intensified the on-going conflict over land, as no other form of land ownership apart from the European model received legal recognition.

The arrival of Simon Van der Stel as governor of the Cape was characterized by tension and warfare between the settlers and the indigenous people (mainly Xhosa) on the eastern frontier of the colony. At the centre of this conflict was the ownership of the land and livestock (Van Aswegen, 1989:118). The Black people were, to a large extent, driven off parts of their land, which was then occupied by the white settlers. This led to a situation where a large number of black people began to enter the employment of the white settlers, because they were being deprived of their land and cattle and had no other means of obtaining a livelihood.

In 1834 some of the white settlers started their journey to the north in large numbers, away from British rule. This set the stage for more conflict over land in the country (Lewis, 1996:11). This movement was referred to as the Great Trek.

2.2.1 The Great Trek and the land

The Great Trek started in 1835, when white settlers also referred to as Trekkers moved into the interior of South Africa in great numbers and occupied vast areas of the land. The unstable relationship between the farmers and the Cape governors and the inability to end confrontations between the farmers and the indigenous people, were the main reason why the Great Trek occurred (Cooper, 1986:71).

By the end of the 19th century, South Africa consisted of two British colonies (Natal and Cape,) two Boer Republics (Transvaal and Orange Free State,) and the African “reserves.” The reserves were under the jurisdiction of the different Republics and colonies. These Reserves were later developed into Homelands under the policy of Apartheid (Platzky & Walker, 1985:72).

After the Anglo-Boer war in 1902, land was divided into private farms owned by whites and blacks became servants there (Platzky & Walker, 1985:73). According to Mbenga (1996:204), after the Boers proclaimed Transvaal as their republic, blacks were placed under their jurisdiction. The Boers became the new “owners” of the land in Transvaal and blacks became labourers on Boer farms. Africans could only acquire land through “grant” or purchase from the Boers. Land was granted to the blacks as a reward only after they performed favour, showed loyalty or good services for the Boers. The fortunate tribes that were granted land were the Barolong and Bahurutsi for their contribution in standing on the Boer side during the expulsion of Mzilikazi from the Transvaal area. In spite of this, the Volksraad Resolution of 1958 stated that land was not for the blacks.

2.2.2 Land Segregation Policies under the Union of South Africa

The Native Land Act of 1913 was the first segregation legislation passed by the Union’s Parliament and remained the cornerstone of apartheid until 1990 (Saunders, 2008:48). This Act prevented Blacks from purchasing land. The Act’s major provision regarding land was that, except with the Governor-General’s approval, Africans could not buy or hire land. According to Mbenga (1996:241) the Union became aware that in the Transvaal, blacks were communally purchasing land more than the whites and the Union implemented the 1913 Act to control land purchase by blacks.

On the implementation of the above Act the Beaumont Commission was established on 27 August, 1913 (Mbenga 1996:243). It recommended that specific areas be set aside in which neither Africans nor Europeans would be allowed to purchase or hire land. It also recommended that blacks should not buy land from whites and the Commission set aside land for black occupation

The 1936 Land Act, in addition to supplementing the 1913 Land Act in the separation of land for whites and blacks, also instituted the South African Native Trust. The functions of the trust were to acquire land for the settlement of blacks, to develop such land, and to promote agriculture in native reserves under the 1936 Land Act. In 1958, Dr Verwoerd became the President of South Africa and established a complete separation of races (De Beers 2003:20). Dr Verwoerd emphasized the separation of races and discrimination against the blacks. However, this discrimination and forced removal of blacks from their lands lasted for four decades and it resulted in poverty, overpopulation and lack of facilities in the homelands (De Beer, 2001).

The 1913 Native Land Act and accompanying apartheid legislation therefore led to the forced removal of about 3.5 million people from their land and business sites with little or no compensation. It also resulted in a racially skewed pattern of land ownership and distribution in South Africa where 87% of the land was owned by the white minority while 13% was occupied by the black majority (Donaldson and Marais, 2002:11). It is argued that, at the end of apartheid, approximately 82 million hectares of land was in white hands while the black majority was confined to 13% of land in the homelands where rights to land were unclear. Even in terms of food production there were systematic inequalities, where one quarter of commercial farmers produced 80 per cent of food for the market, while less than one quarter of 'micro farmers' in the homelands generated food for their own food requirements (Desmond, 1970: 105).

In 1989, F.W. De Klerk took over the presidency of South Africa from P.W. Botha, and between the periods 1989 to 1994 he announced the release of political leaders like Nelson Mandela and also abolished all apartheid laws such as Group Areas Act, and Land Act of 1913 (Geldenhuys, 1994:285). The abolition of these Land Acts set the tone for an extensive land reform programme needed to redress the injustices of the past, provide people with land and ensure security of tenure.

2.3 CONCEPTUALISING LAND REFORM

According to ANC (1994:20), Land Reform is the central and driving force for the programme of rural development aimed at effectively addressing the injustices of forced removals and the historical denial of black South Africans access to land. According to Gwanya (2007:32) Land Reform aims to achieve equity and efficiency; equity by providing all citizens access to land and improving land use. It aims further to contribute to the rural communities' socio-economic life and ultimately the growth of national economy.

We can thus consider and define Land reform as the changing of laws, regulations and customs on land, its ownership and use. Land reform may consist of a government initiated or government backed property (land) redistribution generally, and of agricultural land in particular. It can therefore be referred to as, *transfer of land ownership from the more powerful to less powerful, such as from the relatively small number of wealthy land owners with extensive unutilized land to individuals who work the land, referred to as peasants or farm workers in South Africa*. Such transfer of ownership may be with or without compensation. Where compensation is provided it may vary from token amounts to the full value of land, depending on government policy on such reform (De Soto,2003).

We can further state that the transfer of land may be from individual ownership to group ownership or communal land ownership and vice versa. Land transfer may be large scale from one group to another such as the transfer of agricultural land for commercial farming. The reform is aimed at improving land administration and use by bringing about legislation that regulates the transfer and ownership of land.

Land ownership and tenure

The idea of land reform brings in its trail land ownership and tenure. Land ownership and tenure means access to and *control over land usage* over time. In many countries land has been owned by individuals and formalized through documents such as land titles or deeds. In many parts of Africa land belongs to community members held in trust by the chiefs and used for different purposes. This is regarded as informal land ownership. Individuals have no titles to them and it does not encourage users of those lands to actively and productively utilize the land. To be able

to put it into better use without fear of its being reclaimed later by the community, and to assist with community food security, the need for reform is imperative.

2.3.1 Advantages and disadvantages of land reform

From the above we can find that the reforms may have advantages and disadvantages. Firstly, Land reform gives property rights or land titles to the land owners which includes the poor subsistence farmers. These owners will be able to access credits from formal financial sectors in both urban and rural areas for their farming business and for the expansion of their farms. Therefore reform will bring economic development and alleviate poverty. Formalising landownership could also give women access to land and bring equity. Thus land reform has great benefits which include eradicating food insecurity, alleviating rural poverty and providing livelihoods to a great number of people who otherwise may be starving (De Soto, 2000). Land reform also eradicates conflicting laws as was the case of the Native Land Act of 1913 in South Africa. Yet many are suspicious of reform in the political circles. The fear of being disadvantaged or victimized due to reform or loss of economic and political power have led others to oppose land reform and bringing national conflict and tensions (Economist, 2002).

2.3.2 Evaluation of the concept

Furthermore others argue that if not properly implemented, disadvantaged and marginalized indigenous communities would be further disadvantaged. They can even question the institutional capacity of government to implement land reforms. This is due to corruption, nepotism and elitism in government today (World Bank, 2009). Others point to South Africa's long delay and difficulties in distributing only 13% of land marked for distribution over a period of 18 years and Zimbabwe's administration of land reform as reform's "Achilles heel" (Botchway, 2011). Considering the many arguments for and against land reform in the literature (Economist, 2002 and Scott, 2007) Land reform should be considered as a process of managing and legitimizing ownership of property.

If land is properly evaluated it would be found that it provides individuals with rights to property and they are protected against expropriation. Where expropriation takes place the owner should

be completely compensated. Undertaking land reform should rake in positive socio-economic and political effect for the country and ensure food security for Africans in particular which must bring transformation. It is an important step to achieving economic and social development in a country.

From the above it is seen that Land Reform is a way of contributing to both rural and urban socio economic Development by giving households the opportunity to engage in productive land use and by increasing employment opportunities and by encouraging greater investments in land. In addition to this, Cousin (2000:23) views Land Reform as a way of distributing wealth more equitably and reducing poverty among its beneficiaries. Government thus envisages land reform to result in a diverse rural landscape consisting of small, medium and large farms. Land reform is the spark to the engine of growth in the country.

De Villers (2003:2) "Land reform is therefore more than a mere land-claim driven process where ancestral land is claimed back by people who were dispossessed. It includes a land claim process, but is widened to refer also to the acquisition of land for distribution to the landless, and changing and securing tenure to ensure protection for those who occupy it". This points out and explains that land reform is not only about restoring dispossessed people to their land of origin, but has other programmes, such as redistribution to people who need land for various purposes for residential or for agricultural use.

In the case of South Africa, Land Reform is an important aspect of social and economic transformation. It serves both as a means of redressing past injustice and alleviating the pressing problems of inequality in rural areas. The basis of South African Land Reform is found in the country's Constitution and has the potential for far- reaching change across the programmes of restitution, redistribution and Tenure reforms (Lahiff, 2007).

2.4 LAND REFORM ACROSS SOUTHERN AFRICA

Throughout Southern Africa, issues of access, use, ownership and control of land have become critical to debates around political and economic development. In the post-independence era of many countries, equitable distribution of land became a major political issue which could not be

ignored. For example, in the 1980s and 1990s landowners had always ensured that the political system came under their control or influence. Land-owning interests, especially if they are privileged and entrenched, will not give up their privileges or power unless they are forced to do so through one form of negotiation or coercion. Only an acute conflict and shift in the power structure will bring about significant change within the agrarian system. This is what is often termed as the “agrarian conflict and the political economy of reform”. Hence, understanding land reform programmes in Kenya, South Africa and Zimbabwe necessitates cognizance of the political economy that shapes a country’s land and agrarian policy in the context of political transitions to democracy.

Proposals for redistributive land reforms in Zimbabwe, Namibia and South Africa grabbed the headlines in those countries. According to Toulmin and Quan (2000: 267-8) land policy debates in Southern Africa have focused on two strategies; of promoting freehold land markets to replace so-called customary tenure zones, and expanding commercial farming through market mechanism.

Fundamental to the debates on land reform in the region were whether the purpose of land reform was merely to change the racial patterns of ownership of existing farms, whether the aim of providing livelihoods was for the landless or for the poor, and whether the targets of land reform should be large scale black farmers or the landless poor.

In Namibia in 1990, approximately 52% of arable land was held under freehold title by whites, while 48% remained as communal land. Namibian land reform sought to bring about equitable land distribution, promote sustainable economic growth, reduce poverty, and lower the income inequality (Cousins, 2000:94).

According to Toulmin and Quan (2000: 285) land ownership was central to the battle for independence in Mozambique. At independence in 1975, nearly all colonial settlers left the country and all land was nationalised. The 1979 and 1986 Land Laws permitted individuals to register their land titles and receive established titles issued by Government. This was the only mechanism for any foreigner to access land. Mozambique was able to deal with the issues of land ownership when they passed the July 1972 law that allowed the state to lease land to individuals, companies or communities for up to 100 years.

Land laws were revised seven years ago in Zimbabwe. The land question was high on the political agenda in the 1980s, dormant for much of the 1990s, but bounced back into the limelight in 1999. Palmer (1990: 163) argues that land prominently featured in the elections which Robert Mugabe called on the eve of the 10th Anniversary of Independence. According to Moyo (1995) the re-emergence of land reform on the development agenda in the mid-1990s and the re-launching of the resettlement programme in Zimbabwe mark the latest phase of a dialectic relationship between peasants, Government and global institutions. Post 2000, land reform in Zimbabwe has been characterised by what was called "land invasions" which is a generic term used to denote a negative view of politically organised trespassing of farms led by war veterans. The amendment of the constitution and the Land Acquisition Act reflected a major formal effort to challenge the imposed rules on colonial land property rights. Kinsey's (1999: 173- 177) account of Zimbabwe's land reform is that it involves approaches that emphasise uniform family-based holdings (Model A), collective co-operatives (Model B), and links between satellite producers, centralised commercial crop and livestock production and processing (Model C). It also includes efforts to devise an approach to resettlement to suit the needs of populations in the semi-arid parts of the country (Model D).

South Africa had the worst land inequalities in the region, and land reform formed an important part of the political negotiations during the transition to democracy and the adoption of a new Constitution. The policies adopted by the democratic Government since 1994 are based on using land reform as a means of fostering national reconciliation and stability, economic growth and development. This is to be achieved through a multiple programme of land restitution, redistribution and tenure reform (Toulmin and Quan 2000:280).

South Africa's land reform programme was modelled in accordance with the national reconciliation project, and growth and development goals (DLA, 1997). The aim was to implement land reform in a manner that did not culminate in instability. As a result, the market-led land reform in the form of the 'willing-buyer, willing-seller' approach was adopted. Contrary to this, Mngxitama (2006:43-44) argues that "The resolution of the land question is not just significant for nation building, but also, and perhaps most importantly, for the re-articulation of a different 'civil society'". According to Mngxitama (2006), the re-articulation of a different

society can be achieved by enabling what he calls 'effective citizenship' through the extension of property rights to the historically dispossessed.

In the 1996 South African Constitution, the Bill of Rights also sets out a framework on how this harmonious land reform mission ought to be executed, hence averting forced occupations and unlawful expropriation of land. However, there is also a provision in the Constitution which states that if expropriation is deemed necessary for public interest purposes, it ought to be guided by constitutional principles, implying that fair compensation has to be granted to land owners.

2.4.1 Objectives of the new land reform policy

In South Africa as in many other countries, Land reform is contained in the Department of Rural Development and Land Reform Land Policy of 1998. The policy is focused on dealing effectively with the various past injustices and racially-based land dispossessions. The main objective of this policy is to achieve a more equitable distribution of land and the right of all South Africans to own land. Land reform has to contribute to the reduction of poverty and bring about economic growth, security of tenure for all and a system of land management that would support sustainable land-use patterns and rapid land release for development. Thus land policy has three elements, which are redistribution to bring equity to the land market, land restitution for the victims of forced removals, and land tenure reform. Land Reform is to redress the injustice of racial land dispossession of the past, ensure equitable distribution of the land, and ensure that land reform reduces poverty and contributes to economic growth, brings security of tenure, sustainable land use and development.

Concerning restitution, the objective is to provide equitable redress to victims of racially motivated dispossession, in line with the provisions of the Restitution of Land Rights Act, No. 22 of 1994, through the resolution of claims for restitution, either by restoring land rights through negotiated settlement, or by the awarding of alternative forms of equitable redress. This programme is under the direction of the Commission on Restitution of Land Rights, a statutory body set up in terms of the Restitution of Land Rights Act, No 21 of 1994 (CRLR, 2010).

2.5 APPROACHES TO LAND REFORM

Ghirmire (2001) argues that land reform has a variety of approaches, including expropriation of large holdings and their redistribution to the landless; and the restitution of land rights to those previously removed by dominant groups. According to Adams (2000: 5), recent approaches to land reform consist of a market-assisted land reform that has involved much participation of foreign donors. This is known as negotiated land reforms. The primary mode of redistributive land reform over the last decade has been Market Based Land Reform (MBLR) and debates have revolved increasingly around the merits and demerits of this approach. It is further argued that the market based land reform approach offers an efficient way to enhance equity in asset distribution. What is also seen as a merit for the market based approach to land reform is the liberalisation of the agricultural sector to remove distortions in various land and agriculture related markets. It has been argued that liberalization will lead to a de-concentration of land holdings since distortions have favoured holdings larger than the optimal size (Deininger, 2003: 155; Borras, 2003: 372).

However, Binswanger and Deininger (1996: 71) argue that the land market cannot be expected to lead to an efficiency enhancing redistribution of land because poor farmers who do not have much equity cannot acquire land even if they have access to mortgage credit. This is because market prices may be higher than the production value of the land. Therefore the role of the state is to provide grants to subsidise the poor who bought land. This approach has been favoured by the World Bank on the basis that it is compatible with its economic policies and those of the IMF (Gohemy 1999: 106).

Critics of the market-based approach have argued that it will not lead to substantial change in land redistribution. South Africa, Brazil and Colombia have tried market-based approaches but key problems have emerged such as the slow pace and low scale of land delivery. Land purchased has not been cheaper either as it is with other approaches such as the state-led land reform (Wegerif, 2004:8 and Gohemy 1999: 117-119).

Ghimire points out that the scope of land reform varies from country to country, or even from locality to locality. The scope of land reform in most countries includes some mix of access to land and formalization of land rights and entitlements, as well as improving post-reform production structures and livelihoods as in South Africa. Ghimire further states that when such

people are provided with land and support, they could move out of poverty as land use initiatives increase household income and food security. In many countries Land Reform has three main approaches; these include Land Tenure, Land Redistribution and Land Restitution.

Despite Land Reform in most Latin American countries, Southern Africa and a few Asian countries such as the Philippines, large landholdings persist and fertile land is concentrated in the hands of a few (Ghimire, 2001: 7-10).

2.5.1 Land Tenure

According to Lahiff (2007: 63) tenure reform refers to both the protection and strengthening of rights of occupiers of privately owned farms and that of the state. Internationally Land Tenure is focused on Property rights. Property rights are understood to mean how land is owned and accessed (Lipton 1993:644). Property rights protect investors, and give them secured rights to land and therefore bring sustainable development of the lands that could increase output. Without assured property rights, investment by farmers will decrease resulting in food shortages and less economic growth. There are different types of property ownership. These are common property and private property ownerships. Common property ownership includes land owned by group of beneficiaries. In the African context, common property serves as social security where community members have access to land for farming purposes. Land reform is also intended to shift ownership from common property rights towards the approach where land can be sold freely on the markets.

2.5.2 Land Redistribution

According to the South African White Paper on Land Policy (1997:38) land redistribution aims to provide the poor with access to land for residential and productive uses, in order to improve their income and quality of life. The programme aims to assist the poor, labour tenants, farm workers, women, as well as emerging farmers.

Land redistribution in particular revolves around issues of efficiency, equity, poverty reduction, economic development, and political stability (DLA, 1997; Wegerif, 2004:4). The World Bank in its 2003 publication highlights the importance of land redistribution as a contribution to human freedoms, civil liberties, and sustainable democracies. In its 2006 report, *Consensus, Confusion, and Controversy*, the World Bank explicitly mentions the importance of land redistribution for

preventing conflicts as access to land remains critical for many peoples' very survival all over the world. (Van Den Brink, and Benschwenger, 2006:18). In the Developing World in particular, land still remains the main source for generating income and livelihoods within the rural access (World Bank, 2003: xix; Wegerif, 2004:4).

Toulmin and Quan (2000:8-11) state that post-colonial governments have found themselves under severe pressure regarding the implementation of land reform. " They had to consolidate their newly achieved political powers, had to take control over a specific amount of land in order to develop it, had to find qualified beneficiaries, were under severe pressure from former and newly emerged elite groups, and at the same time had to respond to the needs and demands of the masses living in rural areas". Consequently, there has been much continuity from colonial to post-colonial land reform. Wegerif (2004:4) citing Okoth-Ogendo (1993:261-264), illustrates this finding with the example of the Kenyan land reform that was started by the British colonial power in the 1950s.

Additionally, the reforms implemented by the former colonial powers were never directed to redistributing land but rather focused on the reorganization of villages and tenure upgrading in order to calm down the majority of people in order to stay in power for longer. The land redistribution scheme implemented by the British in Kenya in the 1960s for example can be considered as a move that was undertaken more out of fear of massive land invasions rather than on principle.

Other African countries implemented more radical approaches to redistribute land. Those influenced by Communism or socialism such as the Marxist government in Ethiopia implemented more radical land reform policies. Ethiopia for example, abolished the colonial feudal system, nationalized all land and redistributed it to those with a will to work it (Wegerif, 2004:4). The approach followed by Mozambique was slightly different although the land was nationalized as well. This has been referred to in page 15. The post-colonial government of Mozambique established state-owned farms as well as cooperative farms. Parts of the land were distributed to individuals through a registered license. The state, however, had overriding powers (Okoth-Ogendo, 1993:265). By these examples, one can state that the characteristic of post-colonial land reforms in Africa is the nationalisation of land. Countries such as Tanzania, Sudan, Uganda, Zaire, Nigeria, Burkina Faso, Guinea, Mali, and Zambia all nationalized their land by legislation (Bruce, 1993:24; Wegerif, 2004:5).

2.5.3 Land Restitution

Generally, the essence of the restitution process is that individuals and communities who have been deprived of land rights as a result of inappropriate laws and practices of government (and who qualify in terms of the requirements set out in a Restitution Act) are compensated for their lost land, equitably. Land Restitution therefore means the return of land or portion of land to those who had been dispossessed of their land by the past laws or practices of past government (CRLR, 2004:9). We shall return to this later.

2.6 LAND REFORM PROGRAMMES IN SOUTH AFRICA

In trying to rectify the ills of the past, the democratic government of South Africa drew up the constitution that provided for a Land Reform policy reinforced by the Rural Development and Land Reform (RDLR) White Paper on Land Reform. Land reform is a way of contributing to economic development by giving households the opportunity to engage in productive land use and increasing employment opportunities through encouraging greater investment. It is more than a mere land-claim driven process where ancestral land is claimed back by people who were dispossessed. It includes a land claim process, but is widened to refer also to the acquisition of land for distribution to the landless, changing and securing tenure to ensure protection for those who occupy it. Land Reform programme in South Africa is thus based on the three widely followed programmes discussed in 2.4.1-2.4.3 above.

2.6.1 Land Redistribution Programme

Land redistribution is a programme of land reform in South Africa as discussed in page 16 with the purpose of distributing unused land for agricultural production, settlement and other non-agricultural enterprise, to those who need land but do not have it. During the first five years (1994-1999) of democracy, the main emphasis of land redistribution was to provide the disadvantaged and the poor with land for housing and small-scale farming purposes.

The objective of land redistribution was to de-racialise land ownership and the agricultural sector in the country. The government intended to achieve this by transferring 30% of the land owned by white commercial farmers to landless black people by the year 2014 (Donaldson and Marais,

2002:13).According to Hanekom, Minister of Agriculture in the 1990's (2006:30), the land redistribution programme is to provide the poor with land for production or residential purposes in order to improve their livelihood. The programme intends to assist, especially, the urban and rural poor, farm workers, labour tenants and emergent farmers to purchase land from the white farmers.

2.6.2 The Tenure Reform Programme

The second programme of land reform is land tenure. Land Tenure means providing the right to occupy and use land. This is achieved by a process of land registration and titling. Tenure reform not only contributes to sustainable economic growth but also improves one's access to the credit markets and security of ownership of land.

Land tenure reform refers to the establishment of secure and formalized rights, especially of farm workers and farm dwellers as well as of individuals within the former homeland and communal areas (Van den Brink. 2006:1).In terms of section 25 (6) of the Constitution (1996), every person or community is entitled to tenure that is legally secure or comparably secure within the framework of an Act provided by Parliament. The Department of Land Affairs has therefore been responsible for providing legislation that has converted current land interest into legally secure tenure rights.

The two most important laws implemented with the aim to improve the security of tenure by farm workers and farm dwellers are the Land Reform(Labour Tenants) Act 3 of 1996 and the Extension of Security Act 62 of 1997 (De Villiers, 2003:49).Tenure reform legislation was implemented with the aim of improving the security of land in the hands of farm workers and farm dwellers. The Interim Protection of Informal Land Rights Act 31 of 1996 (ILPRA), the transformation of Certain Rural Areas Act 94 of 1998, the Upgrading of Land Tenure Act 112 of 1991, the Communal Property Association Act of 1996(CPA) and the Prevention of illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 all provide security to land ownership.

According to the Extension of Security of Tenure Act 62 of 1997, it is the duty of the government to ensure that occupants living on land belonging to other people have secure tenure rights. ESTA was passed to protect those people from unfair evictions and to provide legal

mechanism for long-term tenure security (Department of Land Affairs, 1999:112). People who are protected against unfair eviction are those living on privately owned land with the permission of the landowner and are referred to as occupants. A landowner can give occupants permission to live on the farm either in the form of written contracts or in the form of “gentlemen’s agreements” i.e a person living openly on the land for more than one year without any form of protest from the landowner becomes a legal occupant. People who are not protected under ESTA include labour tenants, as described in the Labour Tenants Act, people earning R5 000 a month or more and illegal squatters. Special occupation rights are given to people over the age of 60 who have been living for ten years or longer on the land. These people are called long-term occupants, and received lifelong occupation rights on the relevant land (Van der Walt, 1999:286). Extension of Security of Tenure Act (ESTA) provides the legal mechanism that is necessary for secure tenure for farm workers but at the same time creates problems for the landowners.

2.6.3 Land Restitution programme

The third programme of land reform is land restitution. Restitution means restoring or giving back land to those persons or communities that were forcefully removed from their land by racial Laws (ANC 1994:20). An example of people who were forcefully removed from their land by Racial Laws and practices were the Doornkop residents. Giving their land back to them is restitution.

People dispossessed of land who want to reclaim it had to lay claim to their land with the Land Claims Commission. If the claimed land cannot be restored to the initial owners, other remedies are available that can be resorted to. These include:

- Provision of alternative land;
- Payment of compensation;
- A combination of the above options, or
- Priority access to other land reform programmes, government housing and development.

The process of restitution of land takes place within the legal framework of the Constitution and the Restitution of Land Rights Act 22 of 1994.

When the 1996 Constitution became operative on February 4 1997, it became the new source of constitutional authority for the restitution process. The essential requirements are that a person or community can institute a restitution claim if that person or community was dispossessed of land after 19 June 1913 as a result of a racially discriminatory law or practice and did not receive just and equitable compensation or consideration, provided the claim was lodged in time. Both natural and legal persons can claim. A direct descendant of a person, who otherwise qualifies, but has not claimed restitution, is allowed to claim under certain circumstances.

Once a claim has been lodged, the relevant regional commissioner must ensure that it meets the qualifying criteria in Section 2 of the Restitution Act, and that the claim has been lodged in the prescribed manner and that it is not frivolous or vexatious. When a regional commissioner accepts a claim, it must be published in the Government Gazette. Such publication has important implications, meaning that nothing may be done on that property without notice to the commissioner.

To effect the smooth running of the Restitution process the Land Claims Commission was set up to manage the restitution process. A Land Claims Court was also set up to settle claims that cannot be resolved by the Land Claims Commission due to disputes caused by land owners who refuse to accept the claim. The Court is responsible for finalization of claims. All claims to land were to be submitted to the Department of Land Affairs before 31 December 1998. All claims to land were made against the government not against the current land owners. Claims that meet the requirements of the Restitution of Land Rights Act 22 of 1994 are finalized by the Land Claims Commission and the Minister. An example of a restituted community in the North West Province is Bapo Ba Mogale in Haartebeespoort which falls within Madibeng Local Municipality in Bojanala District. According to the Land Claims Annual Report of 1998, the claim was lodged on 23 December 1998 by 34 families with 577 beneficiaries and was settled in September 2006. The farm is currently used for vegetables and Lucerne crops, game farming, and granite quarrying. According to the Land Claims Report of 1998, different stakeholders have made meaningful contributions towards the project. The Department of Agriculture in the province has provided four tractors for farming projects.

Another example of a claim to be settled by the Land Claims Court is the one lodged by the Baphiring Community. In this claim a group of some 383 people who described themselves as

Baphiring Community claimed a portion of land known as “Mabaalstad,” under the umbrella of a Communal Property Association (CPA). CPA is a legal structure formed by the community in order to hold and manage land together. There were 22 defendants in this case; prominent among them were the present owners of the land under claim, who resisted the claim.

The court held that the compensatory land and the cash payment the community received at the time of dispossession fell far short of being just and equitable and as a result the community did not receive just and equitable compensation. The feasibility of the restoration of land is still on going in the Land Claims Court.

2.6.3.1 Conditions for Restitution

There are many conditions to be fulfilled before one can apply for restitution. According to the Restitution of Land Rights Act 22 of 1994, a person (or community) shall be entitled to restitution of a right in land if:

- He or she is a person dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; or
- It is a deceased estate dispossessed for a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; or
- He or she is the direct descendant of a person referred to in paragraph (2) above that has died without lodging a claim and has no ascendants.
- The claim for such restitution was made not later than 31 December 1998 (Department of Land Affairs, 1999:109).

2.7 RESTITUTION PROCESSES

The implementation of the Restitution process is categorized into two phases namely Pre-Settlement and Post- settlement. Pre settlement deals with what should be done when a dispossessed person or community lodges a claim for restitution. The post settlement deals with support in terms of developing people or communities that had been restituted (Veljoen 2005:11).

2.7.1 Pre settlement Phase of Restitution Process

Pre- settlement is an investigation process. In this phase a claim must have been lodged and the claimant must have opted for restoration or compensation. A Restitution Officer from the Land Claims Commission conducts research from archives, Deeds registry, oral search, interviews etc to find the information that links the person, communities or families with their land or properties that they were previously dispossessed of by racial laws.

The claim is sent for verification. The verification process is done to check whether the people who lodged claims with Land Claims Commission are the legitimate claimants. The documents used in the lodgement phase are screened to determine the validity of the documents which include Claim form, title deed, land register, notices (if any) and ID documents of the claimants. Claims are checked and listed according to the needs of the claimants i.e. whether the claimants have opted for restoration or compensation. Claims are categorized into Urban, Rural, family, individual or Community claims.

The criteria to determine the qualification of the claimants who were dispossessed of their land or property is as follows:

When the claim meets the criteria listed in 2.5.3.1, then it is gazetted in the Government Press to inform the public or interested parties that there is a claim lodged for certain land. Interested parties may be the farm owner or community or a person who lodged the claim. If the claimant does not meet the criteria as spelled out in accepted criteria mentioned above such claim will be dismissed or disqualified. When the claim qualifies, then negotiations with the land owner begin. The community represented by the interim committee and other stakeholders such as a Municipality negotiates about a selling agreement.

The negotiations also include the period at which the farm could be transferred; for instance if the farmer had crops and had to move out, the community might agree to lease the farm until harvest period is over. Negotiations include selling the farm (land), with equipment's available or not, and how the farm owner will be paid. Payment could be either a lump sum, or a periodical instalments payment of an agreed sum of money.

Option workshops are also held as part of negotiations. The restitution claim settlement workshop only takes place after a claim has been lodged and validated. Such workshops are held

in preparation for the actual negotiations to settle a claim. During the workshop the community is given the option to choose either:

- Land Restoration
- Alternative land or
- Compensation (CRLR 2006:55).

Valuation of a claim is needed to finalize the Claim against the state. The valuation is negotiated with the present landowner. The Regional Land Claims Commission (RLCC) with whom the claim was lodged appoints a valuer. The claim is approved according to Section 42D of the Restitution Act which is composed of Rule three memorandums which serve to verify the claimants listed and ensure that the claimants qualify for Restoration or compensation. The purchase price for the land (which may include price of equipment and other assets) should be verified.

After the commissioner has approved the memorandum and signed, payment can be made to those households who opted for financial compensation. According to the Land Claims Commission, the Restitution officer needs to compile a list of claimants who opted for financial compensation and submit to Head Office for payment vouchers to be printed in favour of these people on that list. According to the Land Claims Commission the monetary value of the claim should be calculated based on the Standard Settlement Offer (SSO) of R36000 to each beneficiary who lost occupational rights. The financial compensation for each claimant is calculated in line with the cost for low cost housing subsidy which amounts to R36000 (CRLR 2006:55). If the claimants have opted for restoration the Land Claims Commission pays 50% of the purchase price to the land owner and there after transfers the land to the rightful owners.

Once the transfer of land is done, a handover ceremony is held to celebrate the return of the land. During the celebration, a hand-over certificate is given to the new owners of the land. Where this is in respect of a community, the communities need to form and register a Communal Property Association (CPA) in order to hold and manage the land together. CPA becomes a legal entity formed according to the Communal Property Association Act (Act 28 of 1996). It consists of an executive committee that represents the community. CPA is formed to help any group of people to legally buy, keep and use the land together as a group. Once the community has formed and registered the CPA, they can apply for grants such as the Restitution Settlement

Grant (RSG) which can be used for relocation, to render services, development funds and for projects they intend to implement for their livelihood (Commission on Restitution of Land Rights, 1999:32).

2.7.2 Post settlement Phase of Restitution Process

Post Settlement phase is the last phase of the restitution process. Post settlement provides support to communities that were restituted. The aim of post settlement is to facilitate development in communities that have a right or obtained land to promote economic growth and human development in those communities. Service providers have to be engaged or contracted to provide specialized services to beneficiaries of Land Restitution. For example, the local municipality through their Integrated Development Plan (IDP) must ensure that restituted communities are able to access services like water, health services and roads. The Department of Human Settlement must be brought on board to provide housing to disadvantaged communities after they have done a feasibility study of the community needs. The Agriculture Department, through their Comprehensive Agricultural Support Programme (CASP) should ensure that Restituted communities access funding to continue with farming projects. Post settlement ensures that communities use land productively to eradicate poverty (Wood, 1995:213). The Commission through projects such as Letsema/ILLMA project in which provincial government and local government collaborate with the beneficiaries to ensure that the restored land is optimally utilized, and Land and Agrarian Reform Projects (LARP) transfer farming skills to beneficiaries of land reform by drawing business plans, ensure that the community uses land productively. One suitable example is the Madiakgame community in North West Province who were restored to their land and the farm was used for livestock farming. The Commission obtained support by integrating with local government and the Department of Agriculture, the municipality and the Tourism department. These institutions have provided support such as technical skills to ensure that the community is empowered to engage in sustainable agricultural activities.

2.8 ACHIEVEMENTS AND CHALLENGES OF THE LAND REFORM POLICY IN SOUTH AFRICA

According to the Commission on Land Reform, there have been achievements as well as challenges experienced in the implementation of the programmes

2.8.1 Achievements of Land Reform

According to the Commission on Restitution of Land Rights Annual Report 2008, North West has settled most of the claims lodged. Though a total of 247 rural claims are still outstanding. North West Province recorded an increase decrease of 22 000ha of land given back to communities. Most urban claims were settled by cash compensation under the restitution programme, and about eight thousand urban claims have been settled in 2009 (Hall, 2004:20).

Redistribution programme successfully assisted qualified applicants to buy land in rural areas, mainly for agricultural purposes and settlement. Redistribution programme added a Land Acquisition Grant (SLAG) of R16, 000 per household for communal farming purposes. It was later replaced with Land Redistribution for Agricultural Development (LRAD) which increased the grant to R20, 000 for individuals.

2.8.2 Challenges to Land Reform

The government's "willing seller- willing buyer" approach has slowed land reform delivery because the seller determines the land sale price and the buyer, which is the government, may not be willing to buy the land if the pricing is above the market value, and this delays the restitution process. Farmers who dispute the claim may dispute the validity of the land price. The progress of such a dispute delays the reform process. Conflict between traditional leaders and Communal Property Association (CPA) on land under claim also slows the process. For example, where the traditional leaders might impose their authority over land, and on the other hand the CPA wants to hold and manage the land would pose a challenge. It causes disputes that may last long and could compromise the restitution process.

The Bill of Rights in the new Constitution guarantees existing property rights; but it simultaneously places the state under a constitutional duty to take reasonable steps to enable citizens to gain equitable access to land and to provide redress. The biggest constitutional issues involve conflicts of interest between those who benefit from restitution claims and those whose existing rights are affected by such claims.

2.8.3 Some failures of the Land Reform Policy

The ANC's (1994:21) RDP policy framework emphasized that women should have access to land, but only a few women gained access to land through land reform programmes.

As stipulated in the RDP policy, land reform must supply residential and productive land to the poor. However some communities that were restored to their land were resettled on undeveloped lands.

The slow progress in the redistribution of land has resulted from farmers who want high and unrealistic prices for their land which has consequently held up the redistribution programme (Cilliers,2000:16). One example is in Putfontein near Coligny in the North West Province where land was purchased for redistribution purposes, but the Department was unable to pay the farmers. As a result Beneficiaries could not occupy the land. Some restituted land has been leased back to white farmers because beneficiaries have no skills and equipment to use it productively.

The initial target of the government was to redistribute 30% of white –owned agriculture land within five years but the target is not yet met. Only 12% of the land has been redistributed so far by 2013 (CRLR, 2009).

This shows that the goals set in 1994 were unrealistic, when only 41 of the 63 455 claims received for restitution were settled by March 1999 (Commission on Restitution of Land Rights 1999:9) and 80% of Land is still the property of white owners(Khumalo, 2000:13). In addition, land reform has not yet fulfilled the goals of RDP or the White Paper on Land Policy. However important lessons have been learned since the implementation of the programme in 1994. Firstly, the Department of Land Affairs realized that state land must first be offered for resettling of emerging black farmers before private and productive land was disposed of. Secondly the Department emphasized that the purpose of land reform was not only to redistribute land, but also ensure the development and planning of such land. Since these challenges were not met, the

Department of Rural Development and Land Affairs was forced to review the programme, and consequently made some changes (Van Vuuren, 2000:6).

The changes that were made in the Restitution Programme were the inclusion of changes in the administrative and legal processes for finalizing land claims. Powers to finalize claims are now vested in the Land Claims Commission. The Land Claims Court now only deals with claims that have been the subject of appeals from unhappy parties and those claims that cannot be settled by negotiations (Commission on Restitution of Land Rights, 1999:7-9).

According to Donaldson and Marais (2002:13) the restitution process has been slow, legalistic and bureaucratic. By March 2000 a total of 584 551ha had been transferred to 36 444 households, 779 425ha had been approved while 50 240 households await transfer in South Africa.

2.9 SUMMARY

This chapter covered the historical context of land reform in South Africa, Land reform globally, in Southern Africa and in South Africa. The chapter also outlined the objectives of land reform which seek to redress the injustice of racial land dispossession. Furthermore the challenges and successes of South African Land Reform were discussed.

CHAPTER 3

THE DOORKOP RESIDENTS AND THE LODGING OF THE LANDCLAIM IN CONTEXT

3.1 INTRODUCTION

This is a brief Chapter that identifies the location and Geographic conditions of Doornkop, and also examines the origin of the Doornkop people who were also known as Bakwena Ba Molopyane, and how they were forcibly removed from their land and then returned under the restitution guidelines.

3.2 THE ORIGIN AND SETTLEMENT OF BAKWENA BA MOLOYANE

Doornkop is situated in the Ventersdorp area of North West Province about 40 kilometres from the town. It has adequate rainfall in summer which is suitable for cultivation of crops and animal husbandry. This good vegetation could also support agricultural activities which could improve the economic conditions of the community and therefore alleviate their poverty. Winters are dry with little rainfall. The soil is loamy and therefore allows cultivation of crops and plants. These facilitated the settlement of the Bakwena Ba Molopyane tribe here.

The Bakwena Ba Molopyane tribe belongs to a large ethnic group of Bakwena Ba Molotsane. They broke away from a group called the Ba Molotsane and called themselves Bakwena Ba Molopyane, About 2000 remaining BaMolotsane lived in Matsapetlong (Lappfontein), along the Schoonspruit river, in the Potchefstroom District under Chief Seemisho in the 17th Century (Breutz,1953:327). In the 19th Century, Mzilikazi and the Ndebele fought the Ba Molotsane and Ba Molotsane fled to ThabaNchu under Chief Lotlojane in the 1830s.

Around 1878, Ba Molopyane left ThabaNchu, perhaps when they heard that Mzilikazi and the Ndebele had been expelled from Transvaal, and came to settle in Ventersdorp District under Chief Malefo and bought a farm, Uitkyk, which they named Sese. However, the purchase of the farm was not legally recognized and, according to the Transvaal Native Affairs Department (TNAD), Sese was purchased by the Wesleyan Mission Society on behalf of the Ba Molopyane, because according to the law of the country, blacks were not allowed to own or buy land (Yumba, 1997:36). On 12 November, 1878, the farm was transferred to Timothy Creswell, a Minister of

the Mission Society, in terms of Deed No.899. This left the Ba Molopyane with no proof that the farm was theirs. In 1927, judgment was given by the Supreme Court in Pretoria that the Ba Molopyane had no documentary proof that the farm was theirs. Therefore, the group left the farm in 1931 and squatted on another farm, called Watershoek, outside Ventersdorp. The tribe was moved from the farm, Sese, and around 1935 they settled on the farm Doornkop, No 156 which was bought by G.J Yessel and registered in the name of the Minister of Native Affairs for the Bakwena Ba Molopyane. They bought the farm for £800 (TNAD).

The Ba Molopyane settled on Doornkop Farm from 1935 to 1978 but the people had to move from the farm again because the area was proclaimed a black spot. They were among the blacks who were removed from the Transvaal in terms of "Black spot" removals to homelands.

3.2.1 Movement of the Bakwena Ba Molopyane from Doornkop Farm to Ramatlabama

According to Gwanya (2007: 4), in 1958, Mr. Boetie Visser came to the farm and indicated to the residents that the Native Commissioner had leased to him the farm and ordered the community to leave. The community were relocated to the Bantu Homeland of Bophuthatswana in Mafikeng and resettled at Ramatlabama and Tsetse villages. It was after the new dispensation that the Bakwena Ba Molopyane moved back to Doornkop.

3.3 PRE AND POST SETTLEMENT

According to the Land Claims Commission, pre settlement negotiations for the Doornkop land claim were between the community and the land owner (Boetie Visser). The community was represented by an interim committee and other stakeholders, such as the Municipality, as service providers. Negotiations were about the sale price agreement, offer to purchase, options workshops, valuations report and verifications (which was done in accordance with section 42D of the Restitution Act 22 of 1994). The negotiations also entailed the period in which the farm could be given back to the claimants. For instance in Doornkop the farmer had crops and had to move out. The community agreed to lease the farm until harvest period was over. Negotiations also included selling the farm (land) and equipment available on the land. In Doornkop the following equipments were listed as part of the sale agreement:

Table: 3.1 Farm assets

Equipments	Quantity
Tractor	1
Lawnmower	12
Windmill	4
Houses	1
Total	18

During the option workshop the community was given an option to choose; land restoration, alternative land or compensation. In this case the Community of Doornkop opted for land restoration and financial compensation.

Valuation was needed to finalize the Claim against the state through negotiated settlement with the present landowner. The North West Regional Land Claims Commission (RLCC), with which the claim was lodged, appointed MM Steyn to compile the Valuation report for Doornkop farm.

Settlement of the claim was the last stage of pre settlement after the claim had been approved by the Land Claims Commission. The claim was approved according to Section 42D of the Restitution Act which is composed of Rule three memorandums which serve to verify the claimants list and ensure the claimants qualified for Restoration or compensation. Because Doornkop claimants lodged claim for restoration there was a need to compile a list for those households who opted for compensation and for those who opted for restoration. The List was compiled. Rule three again should indicate the purchase price for the land and negotiations, and whether the purchase price included equipments and other assets on the farm. According to the Land Claims Commission for North West and Gauteng the Doornkop people complied with the requirements for land restoration.

3.4 SUMMARY

This brief chapter introduced the origin and settlement of Bakwena Ba Molopyane, the movement of the Bakwena from Doornkop farm as well as the pre and post settlement of Doornkop residents. The chapter noted that Doornkop residents' claims complied with the restitution regulations.

Having noted how successful some restitution have been in North West Province, the next chapter will deal with data collected in Doornkop on restitution to determine whether the process was successful

CHAPTER 4

INTERPRETATION AND ANALYSIS OF DATA

4.1 INTRODUCTION

The main objective of this chapter is to present and analyse the empirical data collected on the implementation of the restitution programme in Doornkop. The methodology used is as shown in chapter one subsection 1.3.1.6. Responses were categorized into three sections.

Section A deals with Biographic data, section B deals with attitudes of respondents and Section C, deals with perceptions from focus groups. The data collected and presented were then analysed and interpreted in these sections.

SECTION A

4.2 BIOGRAPHIC DATA OF RESPONDENTS

The respondents were characterized by age, gender, ethnicity, and years resided in the area. The purpose of the biographic data is to indicate the characteristics of people who took part in the study.

Table 4.1: Age distributions of respondents

Age	Frequency	%
15-30	12	19
31-35	20	32
36-40	17	27
41- 45	9	15
46 and above	5	7
Total	63	100

Of the respondents, as shown in Table 4.1, the majority (32%) are between the ages of 30-35, implying that the majority of the people who live in Doornkop Farm are not those who experienced the farm eviction that took place in 1977, thirty six years ago. However, they might be the people who bought portions of land illegally for residential purposes after or during the restitution claim processes. As the focus group discussion shows, some of them might be the descendants of the original farm owners. Table 4.1 also shows that 19% are below 30 years of age which means that they could be the descendants of the original owners of Doornkop Farm. Those above 46 years of age are the people who might have experienced forced removal. They might have been farm workers when the eviction took place.

Table 4.2: Gender distributions of respondents

Gender	Frequency	%
Male	27	43
Female	36	57
Total	63	100

In Table 4.2, the majority of respondents, 57% were females, and there were 43% males. This indicates that the females are more than the males in the community. From the focus group discussions it came out that most families are headed by females, since men went off the farm to look for work elsewhere.

Table 4.3: Ethnic Groups of respondents

Ethnic groups	Frequency	%
Batswana	35	56
Xhosa	12	19
Zulu	12	19
Sotho	4	6
Total	63	100

From table 4.3 above, Batswana are in the majority of 56%. This implies that most people who live in Doornkop are Tswana speaking. Chapter 3, 3.2 notes that Bakwena Ba Molopyanewere a large ethnic group who lived on the farm. Historical background of the farm talks about Batswana as the owners of the farm.

The Xhosas and Zulus are the next large ethnic groups in the farm with a proportion of 19% each. This implies that Doornkop has various ethnic groups that reside on it. From the group discussion, other ethnic groups came to live with Batwana when they were relocated to Ramatlabama. The BaSotho also lived in Doornkop farm with 6%; this implies that they are a minority group. Chapter 3, 3.2 explain that the Bakwena Ba Molopyane once fled to ThabaNchu when Mzilikazi fought them, and perhaps that was how the Sotho's came to live with the Batswana.

Table 4.4: Years of residence on the farm

No. Of years on the farm	Frequency	%
0– 5	12	19
6 – 10	21	33
11 –15	30	48
Total 15 years	63	100%

The table above indicates the number of year's people had lived on the farm. The majority of 48% had lived there between 11 and 15 years. 33% had lived there between 6 and 10 years and 19% up to 5 years.

The implication in the above table is that, 5 years after lodging the claim, only a few people came to live on the farm and from the group discussion these were mostly the people who experienced forced removal. Residents who relocated to the farm from age 6 and above might be the descendants of the original owners of the farm. Others might be those who bought a portion of land for residential purposes.

SECTION B

4.3 ECONOMIC ACTIVITIES ON THE FARM AND COMMUNITY'S PERCEPTIONS ON THE RESTITUTION GUIDELINES

TABLE 4.5 Perception in decision making

Responses	Frequency	%
YES	12	19
NO	45	71
PARTLY	6	10
TOTAL	63	100

4.3.1 Decision making

From the table 4.5 above, 45 residents, constituting 71% of respondents, indicated that they were not involved in decision making and 12 residents constituting 19%, were involved in decision making; 6 respondents that constitute 10% were partly involved.

The implication is that a majority of the residents were not involved in decision making that involved economic development of their farm. By economic development in the community reference is made to farming projects which include cattle, piggery and poultry farming that could bring employment to the community and income. This also implies that the majority was not involved in the negotiated settlement with the farm owner for the valuation of their farm as elaborated in the literature chapter 3 Sub Section 3.3

TABLE 4.6 Economic developments in the farm

Response	Frequency	%
Yes	14	22
Moderate	12	19
Little	23	37
None	9	15
Not sure	5	08
TOTAL	63	100

4.3.2 Extent of economic activity

When they were asked about the extent of economic activity in the farm, a majority of respondents said there was little economic development. This can be seen from their responses in Table 4.6.

According to a majority of respondents, 23 (37%) indicated that there is little economic development in the farm. 14 residents (22%) indicated that there is economic development in the farm and 12 residents (19%) indicated moderate economic development. 9 respondents or 15% said there is no economic development and 5 (8%) were not sure whether there is economic development in the farm.

From the group discussion, the community indicated that they depend mostly on social grants for a living because of unemployment which is caused by lack of developments in the farm.

Table 4.7: Provision of Settlement Grant Recipients

Responses	Frequency	%
Agree	-	
Disagree	63	100
Don't know	-	
Total	63	100

When the question as to whether the community received a settlement grant was put to respondents, majority answered by saying that they did not receive a settlement grant. In the Table 4.7 one can easily find that all 63 respondents disagreed that they had received a settlement grant.

4.3.3 Provision of basic needs

Table 4.8 Availability of health facility and the school for basic education in the community

Responses	Frequency	%
Agree	63	100
Don't agree	-	
TOTAL	63	100

When they were asked about provision of basic needs like health facility and education, the community responded that there was water connected on the streets and some residents had made connections to their yards. There was a clinic and school for primary education.

From the Table 4.8, 100% of the respondents agreed that there is provision of basic services on the farm.

4.4 PERCEPTIONS ON RESTITUTION

TABLE 4.9 Feedback from Land Claims Commission

	No. Of Respondents								
Response	Visited only once		Visited 2 times		Visited several times		Never visited		TOTAL
Agree	19	30%	0	0	0	0	36	57%	55
Don't Agree	0	0	0	0	0	0	0	0	
NOT SURE	0	0	0	0	0	0	8	13%	8
TOTAL	19	0	0	0	0	0	44		63

When they were asked if they received feedback from the Land Claims Commission during the restitution process, their responses as found in Table 4.9 shows that 36(57%) respondents agree that the restitution officer has never visited the farm since the community came back to the farm and they have not received any feedback about their claim. Again from the table, 19 respondents constituting 30% of respondents said the restitution officer had visited only once. 8(13%) are not sure if the restitution officer has visited the farm. They cannot recall. Since 19 or 30% of residents remember the Restitution officer's visit, it could be concluded that the officer rarely visited with feedback. From the focus group discussions the community said the feedback was not enough.

TABLE 4.10 Community's satisfaction with the restitution processes

Response	Frequency	%
Strongly Agree(SA)	0	0
Agree(A)	0	0
Disagree(DS)	24	39
Strongly Disagree(DS)	39	61
TOTAL	63	100

When the question was asked whether the community was satisfied about the restitution processes, the majority responded that they were not satisfied.

Table 4.10 above illustrates that 39 respondents (61% of total respondents) were strongly dissatisfied with the restitution process for their farm and 24 (39%) respondents were also dissatisfied. These responses show that they were not satisfied with the implementation of the restitution process.

The reasons why residents were not satisfied with the process include

- The communities settled on an undeveloped area, and could not access basic needs
- They did not receive settlement grants from the Land Claims Commission after they came back to the farm.
- The community did not receive feedback on the claim for their farm.
- The process took long and the community became impatient.

TABLE 4.11 Community's understanding of the restitution guidelines

	Frequency	%
Strongly Agree(SA)	0	0
Agree(A)	0	0
Disagree(DS)	18	28
Not Sure(NS)	15	24
Strongly Disagree(DS)	30	48
TOTAL	63	100

When the question was asked about the community's understanding of restitution guidelines, the majority indicated that they did not understand restitution guidelines.

From Table 4.11 above 30 respondents (48%) strongly disagreed that they understood restitution guidelines, while 18 respondents (28%) also disagreed that they understood the guidelines. 15 respondents (24%) were not sure whether they understood the restitution guidelines. This implies

that the community doesn't have knowledge about restitution guidelines and did not understand them.

TABLE: 4.12 Implementation of Restitution guidelines

Responds	Frequency	%
Strongly Agree(SA)	33	52
Agree(A)	17	27
Disagree(DS)	-	-
Not Sure(NS)	13	21
Strongly Disagree(DS)	-	-
TOTAL	63	100

In Table 4.12 above, the majority of the respondents, 52% strongly agreed that restitution guidelines were not correctly followed in the Doornkop land claim. 29% also agreed that restitution guidelines were not correctly implemented, and as a result the community became aggressive and reacted by getting back to the farm before the process of restitution ended. The reasons they gave for dissatisfaction as can be found in the section on focus group discussion were that:

1. The guidelines were not properly being followed as shown in the Table 4.12
2. The community felt that they were not fully involved in the implementation of the guidelines and
3. The guidelines did not address their needs because bringing them back to their farm was being delayed.
4. Their expectations were not being met early enough

Table 4.13 Community involvement in restitution procedures

Response	No. Of Respondents	%
YES	11	17
NO	43	68
PARTLY	9	14
Total	63	100

From Table 4.13 above, 43 respondents or 68% shows that the community was not involved in the restitution processes.

Only 11, constituting 17% of the total respondents said they had knowledge about restitution procedures. From interviews, those were the few individuals who lodged the claim on behalf of the community. The small number of residents, that was 9 or 14% of respondents, were partly sure that the community was involved in restitution procedures.

From the analysis of data in the table, the community had occupied the farm due to lack of involvement on restitution procedures, proper guidelines and lack of participation.

SECTION C: FOCUS GROUP INTERVIEWS AND ANALYSIS

This interview was done to confirm or as a triangulation for the validity of the quantitative data analysed in section B.

4.5 PERCEPTIONS OF RESPONDENTS ON LAND REFORM

This section focuses on perceptions obtained during group discussions and interviews held with respondents. Mr Jack Dinkebogile is a community member who experienced the forced removal that took place in the farm and is now 84 years old. Mr Mogapi is also a community member that had come to stay in Doornkop after the community's return, and now 54 years old and unemployed. Mr Gaarekwe Abrahm Setlhodi, a 34 year old descendant of a farm resident who is

now working as a Police officer. He also experienced the forced removals that took place from the farm as a child.

4.5.1 Role played by Restitution in the economic development of the Doornkop

Community

During the group discussion, the respondents said they were not involved in decision making and in economic development of the farm. Individuals felt it was government's responsibility to bring development and not them. They were therefore passively involved in the farm's development. It was indicated in Table 3.1 Chapter 3 that the community received farm equipment when they arrived on the farm but most of the equipment was not in good condition. According to the respondents, the Department of Land Affairs provided the community with tractors and assisted with ploughing their plots. Each family was given eight bags of maize meal each year to feed their families.

Mr Gaarekwe indicated that they intended to continue with farming should they be provided with equipment and farming skills.

4.5.2 Education, health and infrastructures provision

The interview with the respondents indicated that they have a clinic on the farm administered by five nurses (two sisters and three assistant nurses) and to them the nursing staffs was enough.

The respondents indicated that they have a school in the farm, Mmalekgoa Primary school. The school takes learners from grade R to grade 6. The school is well staffed. In responding to questions about the infrastructure in the community respondents stated that there is a tar road which is 17km long, and passes through the three farms which are near Doornkop. This gives resident success to transport.

In the views with Mr Sebolai (Deputy Director-DRDLR in charge of Pre settlement process of Restitution in the region) restitution as a government programme cannot be implemented by one isolated department. Lead department integrates activities with other departments to bring development in a community. Restitution in Doornkop is an integrated activity of various departments i.e DLRRD, Public Works and Education. The Education Department and health Department who helped with the building of the clinic and school on the farm. The community has water taps and some have connected water to their yards. In the interview the councillor

indicated that the Department of Land Affairs has drafted a feasibility study which indicated the developments needed in the community and during stakeholders meetings, departments indicate the development they intend to bring to the community.

However the councillor indicated that the municipality, through partnership with Department of Public Works had built a clinic which provides health care to the community. The Department of Health provides qualified nurses who have to rendered quality services to the community. There is also a Primary school in the community, which was also built through the Expanded Public Works Programme. The Department of Education provided qualified educators to render basic education.

The Municipality has constructed roads to correct the community and provided good piped water supply. Some community members have gone to the extent of bringing water taps into their yards.

4.5.3 How negotiations for the land were done

From the group discussion, majority said that they were evicted from the farm in 1977 and came back in 1994.

They had this to say, "We were removed by police officers who forcefully loaded our belongings in a truck per family and our mud houses were destroyed". This is confirmed by the archived document in annexure C. The respondents said that there was nothing left for them when they returned. There was only a farm house where the farm owner had lived.

4.5.4 Restitution negotiations

When the question on the restitution process was put to them, the respondents said that they were not consulted during negotiations. Secondly negotiations for land under claim were done between the Land owner, the Land Commission and other stakeholders such as the Municipality as service providers etc. Negotiations were about the selling agreement, offer to purchase, options workshops, valuations report and verifications which was done according to section 42D of the Restitution Act 22 of 1994.

The negotiations also involves the period in which the farm could be transferred. For instance if the farmer had crops and had to move out, the community might agree to lease the farm until harvest period was over. Negotiations include selling the farm with immovable equipment and

how the farm owner will get paid, either by a lump sum or agreed monthly instalments paid periodically.

4.5.5 The group's opinion on the negotiation process

This was to find out about their understanding of the restitution process and how they had been affected. When the question was put to them on the negotiation process, the respondents said the restitution officer from the Land Claims Commission did not visit them to give feedback about progress made on the claim. The respondents said the community could have been consulted properly and the restitution process better explained to the beneficiaries so that the community could have had a better understanding of the process.

The councillor highlighted that the community was struggling to receive services from the municipality because they had no title deed for their land. The land was still under claim. There are people in the community who sell portions of land illegally for residential purposes and this is not acceptable to the descendants of Doornkop because there is a feeling that the land belongs to their ancestors. According to the councillor there is a fight between the new and old committees elected to manage land on behalf of the community and this affects service delivery.

4.5.6 Land occupation

When they were asked about their early occupation of the farm, they said the reason why the community occupied the land under claim was that the community heard the news that there were families from nearby farms who had settled on the farm under claim and were selling portions of land to other people for residential purposes. They feared losing the land they were claiming so they had to act to protect their land.

4.5.7 Individual discussions and interviews with the restitution officer and the Councillor

This was to find out about the community's participation on production activities on the farm. In the interview the restitution officer indicated that the claim has been sent to the land claims court for arbitration.

In the interview the Councillor indicated that they involved the community in the economic development of their area by holding ward meetings. In the meeting the community is given a chance to decide on the type of developments which they would like to have in their area. The economic needs of the community are then listed in the Integrated Development Plan (IDP) of the Local Municipality. In Doornkop the economic infrastructure needed by the community is the allocation of farming plots, which will promote small scale farming. The community needs to be assisted with tractors, seeds and fencing around their plots which will enable them to plough and produce crops that could be sold for income.

According to the councillor, the Department of Land Affairs once provided the community with tractors and seedlings for farming and after production each family was given eight bags of maize for poverty reduction. The tractor has since been taken to Mafikeng and was never returned and this left the community with nothing to make a living. The community intended to continue with farming should they get assistance.

During an interview with Mr Sebolai, he reported that, "communities that return to their land are usually given Settlement Grant support that the community could use for settlement purposes," but the Doornkop community could not receive settlement grants because they went back to the farm before the claim was completed. He further said restituted communities are engaged in a Departmental programme of the Expanded Public Works Programme (EPWP). In this programme, the community was hired for the construction of roads, schools and clinics and this brought income to help improve the living condition of the community. Mr Sebolai further emphasized that the community was provided with a tractor which helped them with ploughing their farm. Due to disputes about the use of the tractor, it was brought back to the Department of Rural Development and Land Reform.

4.8 SUMMARY

Generally, the data was analysed using tables and figures focused on agreed and strongly agreed responses. From the findings majority of respondents strongly agreed that they did not understand the restitution guidelines and that they were not involved in restitution procedures. 71% of respondents in Table 4.5 indicated that they were not involved in decision making that

involve economic activities in the farm. The respondents agreed that there is provision of basic services in the farm (refer to Table 4.8). In focus group discussions, on negotiation process, the respondents said they were not consulted properly and negotiation process was not communicated to them. It was indicated in the focus group discussion that Restitution played a role in the economic development of Doornkop. The Department of Rural Development and Land Reform has assisted the residents with ploughing their field by providing tractor and seedlings.

CHAPTER 5

FINDINGS AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter focuses on the findings from the analysis in chapter 4. Recommendations as a result of the finding are also made in this chapter

5.2 FINDINGS

The findings were based on the research questions, objectives and data analysis thereof.

The main objective of this research was to investigate what prompted the reaction of Doornkop residents towards the process of land restitution. Below are the findings

1. Doornkop residents were not satisfied with the restitution process because they were not involved in the process and decision making.

From the data analysed, responses in Table 4.13 showed that the majority were not satisfied with the restitution process to reclaim their farm. Focus group discussions also brought this out. The group interviews showed that the community was not involved in the decision on the type of development they would have in their area. Analysis of Table 4.6 indicated and 4.11 that the community was not fully involved in decision making.

2. Doornkop residents were impatient and reacted negatively towards the Restitution processes

The Doornkop residents had a negative reaction towards the restitution process (Restitution process as outlined in chapter 3 subsection 3.3). From analysis of data it was revealed that the community became too impatient to wait for the long process of restitution. They were also as a result disillusioned about the fairness of the processes. The community became impatient following what they claimed as unfair restitution procedures. What was worse was that they did not understand the guidelines followed. Furthermore, the negotiations between the farm owner

and the Department took too long. The community then reacted by moving back to the farm before the claim process was completed.

From chapter 3 subsection 3.3 the community became impatient to wait for the long process of restitution. What makes the process long are guidelines which should be followed to ensure that the claim is valid as outlined in chapter 2 subsection 2.6. Table 4.11 indicated that community did not understand the restitution guidelines; this made the process unfair and does not satisfy the community.

3. The community was provided with Post Settlement provision by DRDLR

During the interview, as found in Section C page 42, the community indicated that restitution played a role in bringing economic development on the farm. When the community arrived on the farm, the Department of Land Affairs provided the community with a tractor and seed and also assistance for the community to plough their fields and become self-sufficient. Each family member was given eight bags of maize meal every year. The assistance did not last for long. The community could not continue projects such as cattle farming, piggery, poultry and crop farming to improve their economic conditions. The municipality has managed to bring development by providing the community with water, a road, a clinic and a school. For now the community relies on government grants for a living.

The community was provided with post settlement provision because the objectives of land reform policy are to provide equitable redress to victims of racially dispossessed communities and to ensure that land reform reduces poverty and bring economic growth, land use and development.

4. The community did not receive a Settlement Grant

Though restitution has brought development to the farm, the community has not yet received a post settlement grant since they returned to the farm.

The community did not receive a settlement grant as outlined in chapter 2 subsection 2.6.1 because they occupied the under claim before the restitution process was completed.

5. The community did not understand the Restitution guidelines

From the analysis in chapter 4 sub section 4.4 the conclusion one comes to is that the community did not understand the restitution guidelines and so they occupied the farm illegally. The restitution officer never visited the farm when the community returned; therefore the guidelines were not further explained to them. They were also not receiving feedback from the land claims commission. It took a long time before the guidelines could be implemented and the community became impatient as they wanted to get back to their land as quickly as possible. What finally triggered their return was that they were informed people elsewhere were going to occupy it.

5.2.1 Conclusions

It is clear that Doornkop residents had knowledge about restitution procedures but restitution did not take place in line with their expectations. Though the community occupied the farm illegally they have been provided with some basic needs such as roads, a school for basic education and a clinic to take care of their health needs. With respect to the views of the community it can also be concluded that:

- The community was not satisfied with the restitution process in their area (ref. Chapter 4 Table 4.10).
- The restitution was not well implemented in Doornkop farm. This came out very strongly during focus group interviews.
- The community wanted the restitution process to be speeded up so that they could receive their title deeds.
- Restitution guidelines were not fully explained to the claimants.

5.3 RECOMMENDATIONS

From the findings, the following recommendations are being made:

- The community has not yet received the settlement grant. Restituted communities qualify for a settlement grant that could assist them to build houses, improve their livelihood and

bring development. Government should therefore honour promises on the post-settlement grant.

- There is a need to enhance skills development by engaging community members in projects that would bring development in the area. Chapter 4, section C indicated that the community was provided with agricultural equipment's such as seedling, fencing, a tractor etc. Therefore the community need farming skills so that they can use the equipment productively.
- The restitution process should not take too long because the community will become impatient. Land claimants should be advised to be patient and wait until the process was completed for them to receive their title deeds. Restitution guidelines should be clearly explained to claimants to avoid conflicts.

5.4 SUMMARY OF THE STUDY

This section serves as a final conclusion to the study.

This study was initiated on the premise that the Doornkop community had occupied their claimed land while the land claim procedures had not been finalised, contrary to the Act and policy. This posed a problem. This study was thus conducted to find out why the Doornkop residents reacted in that manner, during the process of land restitution. The study was also to reflect the views of Doornkop residents concerning the land restitution process. The methodology used to obtain the information required was of quantitative and qualitative orientations.

Chapter one gave the background to the study. The statement of the problem found in this chapter revealed that Doornkop residents lodged a claim for their lost land and had occupied the land before the claim was completed.

Chapter two reviewed literature on land reform. Historically, South African land ownership was characterised by political struggles and unequal distributions. Until recently, whites owned 70% of agricultural land and blacks only 30%. To redress this, the new democratic government introduced land reform measures to try to redistribute land equally. Land reform has three

programmes, redistribution of land to the landless, tenure security to formalise property ownership, and restitution for restoration of rights in land that were dispossessed by previous regimes. The Doornkop community claimed land under the restitution programme. The chapter finally outlined the restitution processes that had to be followed when lodging a claim, including the pre- settlement and post-settlement phases.

Chapter three discussed the origin of the Doornkop community as members of the Bakwena ba Molopyane tribe, and gave the history of how they came to lodge a claim for restitution of the Doornkop farm.

Chapter four provided the analysis of data collected through focus groups discussions and individual interviews were analysed. The majority of respondents interviewed were not satisfied with the restitution procedures for their farm. They did not understand restitution guidelines and they were not involved in the restitution procedures. This resulted in the community occupying the farm before the process was completed and as a result the community had no title deed for their land. However the community has access to basic services like water, health, road and education.

Chapter five gave the findings and recommendations. The findings show that the Doornkop residents were not involved in the restitution process; therefore communities should be fully involved so that they could understand the restitution process. The community became impatient at the length of time the process took. Therefore communities should be made aware that the restitution process takes time, and they should wait until the process is completed and receive title deeds before moving back to their land. They should also be made fully aware of the guidelines of the process.

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APPEDDIX A

QUESTIONNAIRE

SECTION A

BIOGRAPHICAL DATA

Make a cross (×) in the corresponding appropriate box

☐

1. AGE

1.1	Under 30	
1.2	30-35	
1.3	36-40	
1.4	41-45	
1.5	46-50	
1.6	51-and above	

2. GENDER

2.1	Male	
2.2	Female	

3. ETHNIC GROUP

3.1	African	
3.2	Coloured	
3.3	Indian	
3.4	Whites	
3.5	Other ethnic groups	

4. PERSONAL CATEGORY/PORTFOLIO

4.1	Ordinary Household who live in the farm	
4.2	Household who participated in lodgment of the claimed land.	
4.3	Descendant of a dispossessed person	
4.4	Beneficiary(s) of the dispossessed person	
4.5	Tribal Personnel/Head man	
4.6	Chief	
4.7	Councilor	
4.8	Member of Communal Property Association	

SECTION B

LAND REFORM

Make a cross (×) to affirm your choice in the box provided against each statement below.

Lickert scale:

Keys: SA = Strongly Agree

A = Agree

D = Disagree

NS = Not Sure

SD = Strongly Disagree

5. WHAT ROLE DOES RESTITUTION HAVE ON ECONOMIC DEVELOPMENT OF THE DOORKOP RESIDENTS?

		SA	A	D	NS	SD
5.1	The community have received restitution grants when they get back to their area					
5.2	The community was involved in decision making about the economic development in their area					
5.3	There are economic development in the farm					

**6. HOW HAS RESTITUTION CONTRIBUTED TOWARDS DEVELOPMENT IN
TERMS OF EDUCATION AND HEALTH?**

		SA	A	D	NS	SD
6.1	There is a health facilities in the community					
6.2	The community have school for basic education					
6.3	The community is able to take decisions about the type of development they like to have in their area					

**7. WHAT ARE THE VIEWS OF DOORKOP RESIDENTS CONCERNING LAND
RESTITUTION PROCESS IN THEIR AREA?**

		SA	A	D	NS	SD
7.1	Restitution officer have visited the farm and give the community feedback about their claim					
7.2	The community is satisfied with restitution procedures in their area					

**8. WHAT GUIDELINES ARE NEEDED TO CONSTRUCTIVELY DEAL WITH LAND
RESTITUTION IN DOORKOP?**

		SA	A	D	NS	SD
8.1	The community understand restitution guidelines					
8.2	Restitution guidelines were correctly followed during land restitution in Doornkop					
8.3	The community received feedback in implementation of land restitution for their area					

SECTION C

INTERVIEW

Name: _____

Age: _____

Gender: _____

Occupation: _____

1. WHAT ROLE DOES RESTITUTION HAVE ON ECONOMIC DEVELOPMENT OF THE DOORKOP RESIDENTS?

1.1 Was the community involved in decision making about economic development in their

Area

YES		NO	
-----	--	----	--

1.2 Where you given seed to plant?

1.3 Did you found farming equipments in the farm like tractors, tillers, rippers etc?

1.4 What economic production are you intending to farm in your area?

2. HOW HAS RESTITUTION CONTRIBUTED TOWARDS DEVELOPMENT IN TERMS OF EDUCATION, HEALTH AND INFRASTRUCTURES?

2.1 Do you have health facilities in the community?

2.2 If so how many?

2.3 Does it have enough employees (nurses)?

2.4 Do you have school in your area?

2.5 If so how many?

2.6 does it have enough educators?

2.7 in terms of infrastructure do you have basic needs:

2.7.1 Roads

yes	No
-----	----

2.7.2 Water

yes	No
-----	----

3. HOW WAS THE COMMUNITY AFFECTED BY RESTITUTION?

3.1 When did you return to the farm?

3.2 how did you get removed from the farm?

3.3 were you consulted by restitution officer and explain restitution guidelines?

3.4 What was there when you return?

3.5 was the community involved in the restitution negotiations?

3.6 Do you think that you were discriminated from restoration negotiations?

3.7 In your own opinion what do you think could have better been done to constructively deal with land restitution process in Doornkop?

Thank you

APPENDIX B

P.OBOX 388

Mafikeng

2745

20 September 2012

To : Doornkop Residents
Subject : Forced Eviction from Doornkop Land Claim

I, the undersigned, hereby inform you that I am a registered student with North West University, persuaing Degree in Land Reform and Rural Development under the faculty of Human and Social Sciences. The Topic is the reaction of Doornkop residents towards land restitution procedures as part of development processes in North West Province: The case of Doornkop farm in Ventersdorp.

I therefore earnestly request the Doornkop Residents to complete the attached questionnaires.

Please bear in mind that the information you are going to give here will be given its confidentiality. Do not write your name.

Your co-operation in this will be greatly valued.

Yours faithfully

KA Maiketso

COMMISSION
ON
RESTITUTION
OF
LAND RIGHTS



Tel: (018) 381-0186
Fax: (018) 3813991

AGENDA

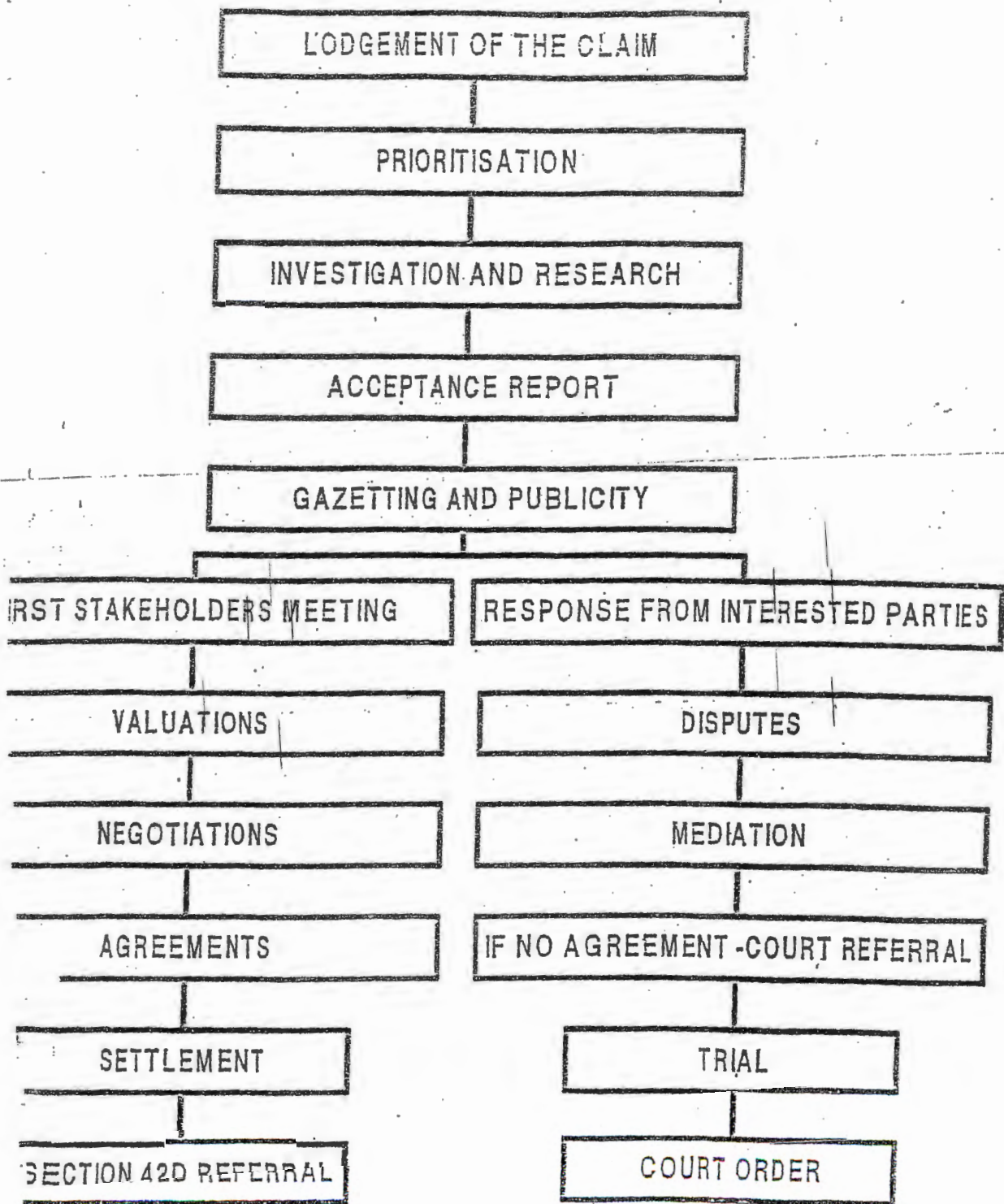
REGIONAL LAND CLAIMS COMMISSION: GAUTENG & NORTH-WEST

DATE: WEDNESDAY, 23 MAY 2007
TIME: 13h00
VENUE: VENTERSDORP MUNICIPALITY
SUBJECT: 1ST STAKEHOLDERS' MEETING: PORTION 3 AND 5 OF THE FARM
DOORKOP 166 IP

AGENDA ITEMS

1. OPENING PRAYER AND WELCOME
2. INTRODUCTION
3. APOLOGIES
4. PURPOSE OF THE MEETING
5. EXPLANATION OF THE RESTITUTION PROCESS -- 9
6. PRESENTATION OF THE RULE 3 REPORT. 7-9.
7. CLARITIES, COMMENTS AND QUESTIONS
8. WAY FORWARD
9. CLOSURE

LAND CLAIMS PROCESS



BRIEFING ON ROLES AND RESPONSIBILITIES OF GOVERNMENTAL
ROLE PLAYERS IN THE TYGERFONTEIN 488 IQ FARM FACILITATION-
MEDIATION-NEGOTIATION-SETTLEMENT PROCESS

department or statutory body wishes/ does not wish to participate in the negotiation process, it is important for the Commission to be informed in writing of this decision.

5. **AGREEMENT TO PROCEED:** The Commission would like to bring the departments and statutory bodies affected by the land claim to a preliminary "an-in principle" agreement to proceed towards negotiating an equitable outcome(s) on the land claim, even if this does not include agreement on the outcome(s) of the land claim at this stage. This agreement "in principle" will include an unequivocal statement of acceptance of the *prima facie* validity of the land claim.
6. **GOVERNMENTAL ROLES PLAYERS IDENTIFIED TO DATE:** The following role players have been identified to date as having responsibilities in the process:

- 6.1. **Commission on Restitution of Land Rights (CRLR):** The Commission has statutory responsibility to facilitate the land claims process in terms of the Restitution of Land Rights Act, 1994, as amended. Thus the Commission acts as an administrative body in the restitution process. It is responsible mainly for receiving, researching and preparing the claims for ratification by the Minister of Land Affairs or adjudication by the Land Claims Court. Other important roles are:

- ♦ To act as a broker in the restitution process by leading conflicting parties towards a negotiated settlement;
- ♦ To objectively ensure that claimants are adequately assisted throughout the restitution process;
- ♦ To facilitate the consolidation of the State's negotiation position among the various State bodies responsible for the resolution of a land claim;
- ♦ To apply to the Land Claims Court for an interdict prohibiting any sale, exchange, donation, lease, sub-division or rezoning of the land that is being claimed, if that action would defeat the aims of the Restitution Act, and
- ♦ To monitor the implementation of the Land Claims Court's decision or that of the Minister of Land Affairs.

The office of the Chief Land Claims Commissioner (CLCC) is responsible mainly for overall co-ordination and dealing with policy issues, for example, amendments to the Restitution Act, the rule and procedures of the Commission, as well as, special projects based on a

BRIEFING ON ROLES AND RESPONSIBILITIES OF GOVERNMENTAL
ROLE PLAYERS IN THE TYGERFONTEIN 488 IQ FARM FACILITATION-
MEDIATION-NEGOTIATION-SETTLEMENT PROCESS

particular criteria, for example their largeness, being national, inter-provincial, complex, precedent setting, etc.

Most of the functions of the Commission are carried out by the Regional Land Claims Commissions (RLCCs) with the CLCC being responsible for checking all the claims that are referred to the Land Claims Court or the Minister of Land Affairs.

- 6.2. **Department of Land Affairs (DLA):** Land claims are lodged against the State at the national level. The Department of Land Affairs is the "respondent" to land claims on behalf of the State and the department, therefore, formulates national policy on land restitution matters (which is constitutionally binding on other spheres of government), provides a budget for the settlement of land claims, based on its budgetary allocation by parliament for land reform, and co-ordinates the implementation of settlement agreements.
- 6.3. **The Land Claims Court (LCC):** This court is responsible for adjudicating claims to restitution of rights in land. In case of conflicting claims or disputes, the court is required to make judgements after considering the report by the RLCC. Even in cases where no dispute exist, the Court still has to approve the settlement agreement, in order to ensure that only genuine restitution cases receive redress, and that the form of redress is appropriate. Thus the Court can review any decision made by the Commission.
- 6.4. **The Provincial Land Reform Office:** This is a provincial office of the Department of Land Affairs. PLRO plays an important role in ensuring that restitution takes place in a manner, which will contribute, to the realisation of the land reform objectives of the Department. This it does by providing assistance, among others the procurement process and the formulation of the Communal Property Associations in communities where restitution is to take place.
- 6.5. **North West Department of Agriculture, Conservation and Environmental Affairs and the National Department of Agriculture:** This department will be able to offer advice on the suitability/ potential of land for particular land uses, including the prevalence of various livestock diseases in the region; to identify alternative State-owned land suitable for farming schemes; as well as advise parties on market-related land values/ valuations.
- 6.6. **Southern District Council, including municipalities in the affected areas:** These bodies have responsibilities to formulate land development objectives for the affected area, as well as for local economic development. In addition, the outcome of the claim will impact directly on their budgets. The Municipality can assist with

BRIEFING ON ROLES AND RESPONSIBILITIES OF GOVERNMENTAL
ROLE PLAYERS IN THE TYGERFONTEIN 488 IQ FARM FACILITATION-
MEDIATION-NEGOTIATION-SETTLEMENT PROCESS

housing subsidy applications as well as bulk services provisioning such as storm water drainage systems and sanitation.

- 6.7 **Other departments:** It may be necessary to seek inputs from the provincial departments responsible for environmental affairs, as well as local government, on particular issues.

NB: The role of each governmental role player will be determined by the particular outcome ("scheme") under negotiation.

Based on 20th Jan 2007

RULE 3 REPORT FOR PORTION 3 AND 5 OF THE FARM DOORKOP 166 IP (TSETSE).

NEW REFERENCE No: R0107

1. PARTICULARS OF THE CLAIMANTS

Submitted in 1915
① Lodged claim by 30 on
② Have been dispossessed of
1915.
③ Original signed on 2nd

A claim for the restitution of land rights was lodged with the Office of the Regional Land Claims Commissioner for Gauteng and North West Provinces. Mr. Gaaratwe Jack Dinkebogile had submitted the claim on behalf of the Bakwena Ba Molopyane community. The claim was submitted on the 12th of December 1998 (Annexure A)

2. PROPERTY DESCRIPTION

The property being claimed is known as portion 3 and 5 of the farm Doorkop 166 IP (also known as Tsetse). Portion 3 measures 1035.9398 ha, and portion 5 measures 248.3943 ha. (See annexure B).

The farm is situated in the Ventersdorp Local Municipality, Southern Region, and North West Province. The attached diagrams give an indication of the location of the property. (See annexure C).

3. ACCEPTANCE CRITERIA IN TERMS OF RULE 3 (a-h) REGARDING THE RULES AND PROCEDURE OF THE LAND CLAIMS COMMISSION

a. Compliance of Claim with Land Claim Form Requirements.

A claim for the restitution of land rights was lodged with the Regional Land Claims Commission: Gauteng and North West Provinces on the 12th December 1998 for portion 3 and 5 of the farm Doorkop 166 IP. The claim has been lodged on the prescribed claim form and in the prescribed manner. The claim was lodged on behalf of the community.

b. Description of the Rights Claimed.

The claimants are claiming unregistered beneficial occupational rights, which their ascendants held on the claimed farms prior dispossession.

According to the oral interview conducted on the 20th of January 2007, the claimants stated that Bakwena Ba Molopyane Community originally stayed at Uitkyk. They submitted that around 1934-35, the Methodist Missionary removed them from uitkyk. Bakwena Community then sought accommodation around neighboring farm until in 1935 when the Tribe

contributed money to purchase the farm Doornkop 166 IP. From 1935 up to 1977 the Bakwena & a Molopyane Tribe stayed peacefully on the land enjoying all the tribal activities.

c. Dispossession in terms of Racially Based Laws, Acts or Measures

When Bophuthatswana government was established, Doornkop farm was declared a black spot. As a result the community was forced to move out of the land. The forced removal was effected by the then Native Department of South Africa in terms of the then Government policy of "Homeland consolidation" and "removal of black spots."

As a result an alternative land was sought by the Native Department of South Africa without involvement of the Community. Community was Forcefully removed and dumped at Ramatlabama, almost 200km from Doornkop.

d. Date of Dispossession

In terms of the Restitution of Land Act 22 of 1994 (as amended), the dispossession of the rights claimed must have taken place on or after 19 June 1913. The claim is based on the dispossession that took place in 1977.

e. Just and Equitable Compensation.

Compensatory land

In terms of Section 2 of the Restitution of Land Rights Act 22 of 1994 (as amended), the claimants do not qualify for restitution of land rights if just and equitable compensation was offered to them.

Accordingly, the claimants were not compensated or offered compensatory land for their dispossessed properties. (Annexure "A").

Monetary compensation

Moreover the community received no financial or monetary compensation.

f. Date of Lodgment of the claim.

The claim was lodged with the Commission on Restitution of Land Rights on the 12th December 1998. *Refer to the prescribed claim form.*

g. **Status of the Claim.**

The claim is neither frivolous nor vexatious. The claim contains neither information, which has no useful purpose, nor information that will or might have caused annoyance to any other person or group of persons or institution etc.

h. **Order by the Land Claims Court**

There is neither order nor any pronouncement made by the above-mentioned Honourable Court in respect of the claimed properties.

4. CLAIMANT'S DESIRED RESTITUTION OUTCOME

- 4.1. Restoration of the claimant registered rights in land.
 - 4.2. State assistance with settlement and development of the claimed land.
-



REGIONAL LAND CLAIMS COMMISSIONER

PRIVATE BAG X833

PRETORIA

0001

COMMISSION ON RESTITUTION
OF LAND RIGHTS

P.O. BOX X833

1998 -12- 30

PRETORIA 0001

REGIONAL LAND CLAIMS
COMMISSIONER

LAND CLAIM FORM

The following information is required for the Commission on Restitution of Land Rights to process your claim. Please supply as much information as possible. Please indicate where the information is not available. The more information you can supply, the more helpful it will be. Please note that the Commission is there to assist you, where needed.

Details of property/land being claimed in terms of the Restitution of Land Rights Act, 1994 (Act No 22 of 1994):

1. Property description: Rural/Urban (Delete which is not applicable):
 - 1.1 If it is rural land, the portion(s), name(s) and number(s) of the farm and district in which it is situated PORTION 3 OF FARM
DOORNKOP 166 REGISTRATION
DIVISION 1.P. TRANSVAAL VENTERSDORP
 - 1.2 If it is urban land, the street address and erf no which appears on the deeds description
2. Which department/body acquired the property? MINISTER OF
PLURAL RELATIONS AND DEVELOPMENT
- 2.1 In what year was it acquired? 4 FEBRUARY 1936
- 2.2 What was the amount of compensation paid with regard to the:
 - property NOTHING (FORCE REMOVED 1978)
 - improvements AVERAGE R300

Was any land/housing allocated as compensation

YES

Remarks (additional information):

WE WERE FORCE
REMOVED AND RESETTLED AT
RAMATLABAMA DISTRICT MAFIKENG

3. Full particulars of person who lost the right in land:

- Name/Community/Trust BAKWENA-BA-MOLOPYANE

- I D Number of individual claimant 280905 5164 083

- Male/Female (Delete which is not applicable)

4. Full particulars of applicant, if not the person who lost the right in land:

Name/Community/Trust

BAKWENA-BA-MOLOPYANE TRIBE

Male/Female (Delete which is not applicable)

If you are acting on behalf of a community/trust, please give your:

- Name: GAARATINE JACK DINKEBOGILE

- I D Number: 280905 5164 083

- Male/Female (Delete which is not applicable)

- In what capacity are you acting

REPRESENTATIVE OF THE TRIBE

5. Do you know about any other family member that might have an interest or claim on the land? COMMUNITY

5.1 If so, please give details

SELLO MONYATSI NO
312 DASTILE STREET
KAGISO 1

6. Please give the reason for your claim. (If you need more space please attach a separate page)

WE WERE DISPOSSESSED OF OUR
LAND

7. Other evidence to substantiate your claim

DEED OF REGISTRATION NO.
T 21067/1979 DATED 22/6/79
TRANSFERED FROM DEED OF
REGISTRATION NO. 1452/1936
DATED 4 FEBRUARY 1936

8. Please attach the following documents where applicable and available to substantiate your claim(s):

8.1 If you are the original owner who lost a right in land:

- Certified copy of your identity document
- Certified copy of the deed which was held by you with regard to the land being claimed.

8.2 If you are a descendant of the person who lost a right in land:

- Certified copy of your identity document and that of the person who has lost a right in land
- Power of Attorney to act on his behalf or to claim the land if the original person who lost a right in land is still alive
- Certified copy of the deed which was held by the person who lost a right in the land being claimed

8.3 Please attach any other document(s) which you wish, in support of your claim.

8.4 In case of inheritance through a will: (TESTATE):

- Certified copy of the will of the person who lost a right in land, or
- Certified copy of the final liquidation and distribution account as submitted to the Master of the Supreme Court

PICKING CLIP NR: 348536
FIRM FILE NR.: PREP

PROPERTY DETAILS PRINT FOR PORTION 3 (R/E)

FARM NO 166

REG DIV IP

PROVINCE NORTH WEST
PREV DESCRIPTION -L6287&288/962
DIAGRAM DEED NO T5606/925
EXTENT 7035.9398-H
CLEARANCE VENTERSDORP LOCAL MUNICIPALITY
FARM NAME DOORKOP

INTERDICTS
I-3655/979C-1452/936

CASE NUMBER

CASE DATE/TITLE NR

NOTED 31
0

DOCUMENTS
IP.166,3

HOLDER

AMOUNT

O/P/A

MICROFILM REF
1986 0196 1341

OWNER DETAILS

FULL NAME & SHARE
REPUBLIEK VAN SUID-AFRIKA

PURCH DATE AMOUNT/REASON O/P/A IDENTITY

TITLE DEED
T21067/1979

MMD
0621

MICROFILM REF

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

*** END OF REPORT ***

PROPERTY DETAILS PRINT FOR PORTION 5
FARM NO 156
REG DEV IF

PROVINCE NORTH-WEST
REV DESCRIPTION PTN 3-L6287&288/962
IAGRAM DEED NO 78786/526
XTENT 248.3943 H
CLEARANCE VENTERSDORP LOCAL MUNICIPALITY
ARM NAME DOORNKOP

INTERDICTS	CASE NUMBER	CASE DATE/TITLE NR	WATER DIV
I-3322/979C-28098/95		5T	0
I-3323/979C-2349/940		T	0
I-3324/979C-13973/94		5T	0
DOCUMENTS	HOLDER	AMOUNT	O/P/A MICROFILM REF
66.5			1986 0196 1345

OWNER DETAILS

FULL NAME & SHARE	PURCH DATE	AMOUNT/REASON	O/P/A IDENTITY	TITLE DEED	MDD	MICROFILM REF
REPUBLIEK VAN SUID-AFRIKA				T18885/1979	0606	

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

*** END OF REPORT ***

APPENDIX D

1065 Hector Peterson Drive

Unit 5

Mmabatho

09/10/2013

CERTIFICATE OF LANGUAGE EDITING

The dissertation entitled

**THE REACTION OF DOORKOP RESIDENTS CONCERNING LAND
RESTITUTION PROCEDURES AS PART OF DEVELOPMENT
PROCESSES IN NORTH WEST PROVINCE: A CASE STUDY OF
DOORKOP FARM, VENTERSDORP**

Submitted by

MAIKETSO KAGISHO ALFRED

For the degree of

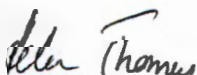
MASTERS DEGREE IN LAND REFORM AND RURAL DEVELOPMENT

In the

**FACULTY OF HUMAN AND SOCIAL SCIENCES
MAFIKENG CAMPUS
NORTH WEST UNIVERSITY**

has been edited for language by

Mary Helen Thomas B.Sc. (Hons) P.G.C.E



Ms. Helen Thomas

Lecturer